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1 — With Water Settlement Inked, Tribes Now Selling The Details Back Home, 8/18/2016

<https://stateimpact.npr.org/oklahoma/2016/08/18/with-water-settlement-inked-tribes-now-selling-the-details-back-home/>

After five years of confidential negotiations, the Chickasaw and Choctaw Nations have reached an agreement with the State of Oklahoma over water in southeast Oklahoma. The deal has been praised by state leaders as a historic accord that ends the tribes' lawsuit that blocked Oklahoma City's plan to pump water out of the region. But the deal still has to be sold to tribe members in that part of the state.

2 Boil water advisory issued for entire city of Covington, Times Picayune, 8/22/2016

[http://www.nola.com/politics/index.ssf/2016/08/boil water advisory issued for 11.html#incart most shared-environment](http://www.nola.com/politics/index.ssf/2016/08/boil_water_advisory_issued_for_11.html#incart_most_shared-environment)

A boil water advisory was issued Monday afternoon (Aug. 22) for the entire city of Covington. City Hall posted the warning at about 4:30 p.m. because of a break in a major line near the intersection of Jefferson and 15th avenues.

3 Louisiana's sinking coast a \$100 billion nightmare for Big Oil, Times-Picayune, 8/22/2016

[http://www.nola.com/business/index.ssf/2016/08/louisiana big oil nightmare.html#incart most shared-environment](http://www.nola.com/business/index.ssf/2016/08/louisiana_big_oil_nightmare.html#incart_most_shared-environment)

From 5,000 feet up, it's difficult to make out where Louisiana's coastline used to be. But follow the skeletal remains of decades-old oil canals, and you get an idea. Once, these lanes sliced through thick marshland, clearing a path for pipelines or ships. Now they're surrounded by open water, green borders still visible as the sea swallows up the shore.

4 Lawmakers Push Back on Railroad Commission Overhaul Proposals, Texas Tribune, 8/22/2016

<https://www.texastribune.org/2016/08/22/texas-lawmakers-push-back-railroad-commission/>

State lawmakers on Monday considered a host of recommendations to reshape and rename the Texas Railroad Commission, a powerful agency that oversees a host of oil and gas activities but not railroads.

5 — Mine Games, Texas Observer, 8/18/2016

<https://www.texasobserver.org/texas-coal-mining-self-insure-environmental-cleanups/>

In mid-2014, Texas' biggest utility, Energy Future Holdings, was about to file for bankruptcy, and Texas regulators suddenly had a big problem on their hands. Since at least the 1990s, the regulators had allowed Luminant, a subsidiary of Energy Future, to effectively issue an IOU for the \$1.1 billion cost of cleaning up its coal mining operations in Central and East Texas. They had permitted Luminant to "self-bond," which is essentially just a promise to pay.

6 — EPA: North Texas Earthquakes Likely Linked to Oil and Gas Drilling, Texas Tribune, 8/22/2016

<https://www.texastribune.org/2016/08/22/epa-north-takes-quakes-likely-linked-oil-and-gas-a/>

Federal regulators believe "there is a significant possibility" that recent earthquakes in North Texas are linked to oil and gas activity, even if state regulators won't say so. That's according to the U.S. Environmental Protection Agency's annual evaluation of how the Texas Railroad Commission oversees thousands of injection and disposal wells that dot state oilfields — underground resting places for millions of gallons of toxic waste from fracking and other drilling activities.

7 — LAWMAKERS TACKLE REFORM OF TEXAS OIL AND GAS REGULATOR YET AGAIN, Texas Standard, 8/22/2016
<http://www.texasstandard.org/stories/categories/energy-environment/#>

Today the Sunset Advisory Commission – which evaluates the effectiveness of state agencies and decides whether they should be disbanded or reformed – will meet to look at one agency that’s managed to avoid such reforms for years: the Railroad Commission of Texas. The Sunset Commission says that name is the first problem, because the Railroad Commission doesn’t regulate railroads. It regulates the state’s oil and gas industry. So, the commission recommends a name change.

8 — A State Agency’s ‘Misleading’ Name Is OK With Texas Lawmaker, Houston Public Media, 8/22/2016
<http://www.houstonpublicmedia.org/articles/news/energy-environment/2016/08/22/165023/a-state-agencys-misleading-name-is-ok-with-texas-lawmaker/>

It’s become almost routine: every few years state lawmakers consider — but usually decline to make changes — to the Railroad Commission of Texas, the agency which regulates oil & gas drilling. And so it was again Monday as lawmakers on the Sunset Advisory Commission (which periodically reviews the performance of state agencies) heard from their staff members who’d compiled a report on improving the Railroad Commission.

9 — Editorial: PNM deserves fair return on its power investments, Albuquerque Journal, 8/22/2016
<http://www.abqjournal.com/830364/pnm-deserves-fair-return-on-its-power-investments.html>

Cheap electricity sounds great. Free sounds even better. From that perspective, the recommended decision by a Public Regulation Commission hearing officer on Public Service Company of New Mexico’s rate-hike request sounds great, until you delve into the reasoning, precedent and policy. Then it short circuits.

10 — EPA Would Prefer Settlement in Texas Haze Case, Experts Say, BNA, 8/19/2016
<http://www.bna.com/epa-prefer-settlement-n73014446662/>

The Environmental Protection Agency would rather work toward a settlement in the Texas haze rule than absorb an unpalatable precedent, an environmental attorney told Bloomberg BNA.

11 — Ascension officials update timetable for cutting Alligator Bayou Road to release floodwater, Advocate, 8/21/2016

http://www.theadvocate.com/louisiana_flood_2016/article_18532ddc-67e5-11e6-a953-230d25154962.html?utm_medium=social&utm_source=twitter&utm_campaign=user-share

Ascension Parish officials estimate they will cut into Alligator Bayou Road Wednesday or Thursday to relieve high water in the Bluff Swamp and Spanish Lake Basin. Bill Roux, Ascension Parish public works director, said at a special Parish Council meeting Sunday the water level in Bayou Manchac needs to drop by 2 feet before the 70-foot break on top of the road can be cut. The cut will allow water from the basin to flow into Bayou Manchac.

12 — Planned, forgotten: Unfinished projects could've spared thousands from Louisiana flood, Advocate, 8/17/2016

http://www.theadvocate.com/baton_rouge/news/article_fc9f928c-6592-11e6-bad5-d3944fe82f0e.html

Trey Poirrier and Jerry Gravois stood in waist-deep floodwater near the St. Amant Fire Department Monday morning trying, unsuccessfully, to reach a relative’s waterlogged home. Nearby, caskets were floating around the Methodist church. Volunteer boaters sailed by them with a rescued family of five, including three girls young enough to attend close-by Lake Primary School, also under water.

13 — Louisiana floods a 'crisis of climate change' say Greens, BBC, 8/22/2016
<http://www.bbc.com/news/election-us-2016-37160301>

Dr Jill Stein spoke as she surveyed the wreckage from the disaster, which has killed at least 13 people and displaced thousands more. A week on, more than 2,800 people remain in shelters unable to return to their wrecked homes. Republican presidential nominee Donald Trump also visited this week.

14 — After the Flood: Clean-up tips, KSLA, 8/22/2016

<http://www.ksla.com/story/32813823/after-the-flood-clean-up-tips>

The water is receding and now the clean up begins, but where to start? Here are some tips, compiled from several sources, of how to restore your home

15 — Louisiana residents without flood insurance face uncertainty, Reuters, 8/22/2016

<http://www.reuters.com/article/us-usa-weather-idUSKCN10W0UG>

Quenton Robins watched on Sunday morning as a giant metal claw clamped down on his mother's ruined belongings, snapping wooden cabinets with an audible crack as the operator of a giant mechanized arm slowly cleared a mound of debris from her yard in Baton Rouge.

16 — Flooding catches uninsured off guard, Greenwire, 8/22/2016

<http://www.eenews.net/greenwire/2016/08/22/stories/1060041875>

Many Louisianans whose homes were ravaged by last week's flooding don't have flood insurance. The Federal Emergency Management Agency underwrites flood insurance in the United States, as private insurance companies do not cover flood damage. The problem that thousands of Louisianans are facing, however, is that many hard-hit areas of the state were not previously considered flood zones.

17 — Chemical disasters: EPA plan would keep us in the dark, Hill, 8/22/2016

<http://thehill.com/blogs/congress-blog/energy-environment/292227-chemical-disasters-epa-plan-would-keep-us-in-the-dark>

Last month's chemical leak in Baytown, Texas is a stark reminder that many of us live perilously close to extremely hazardous chemical facilities. On Sunday, July 17, an unknown amount of explosive gas was released from a refinery pipeline prompting authorities to evacuate private homes and issue a 'shelter-in-place' alert for the entire neighborhood.

18 — Commentary: University study backs safety of fracking, Fuel Fix, 8/23/2016

<http://fuelfix.com/blog/2016/08/23/commentary-university-study-backs-safety-of-fracking/>

Evidence continues to accumulate that fracking is safe. Earlier this year, the University of Cincinnati completed a three-year study in which researchers examined water samples three to four times per year from 23 wells in the Utica shale region. The study found no evidence linking fracking to groundwater contamination, according to Dr. Amy Townsend-Small, a geologist involved with the study. Samples that were high in methane "clearly did not have a natural gas source," researchers found. In fact, Townsend-Small says, "Some of our highest observed methane concentrations were not near a fracking well at all."

19- CEMEX reaches settlement to reduce pollution, Daily Commercial, 8/23/16

http://www.dailycommercial.com/news/article_b1d02005-236b-5737-91d9-e04c3eb3569f.html

A global building materials company seeking to build a controversial sand mine in south Lake has reached a settlement with the Department of Justice and the U.S. Environmental Protection Agency to reduce harmful air pollution at five of its plants, according to the Department of Justice. Under the settlement, CEMEX will "invest approximately \$10 million to cut emissions of harmful air pollution" at cement manufacturing plants in Alabama, Kentucky, Tennessee and Texas to "resolve alleged violations of the Clean Air Act."

AUDIO

With Water Settlement Inked, Tribes Now Selling The Details Back Home

AUGUST 18, 2016 | 12:43 PM

BY LOGAN LAYDEN AND JOE WERTZ



LOGAN LAYDEN / STATEIMPACT OKLAHOMA

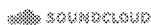
Members of the Choctaw Nation gather at the Hugo Community Center to hear details on the new water deal from attorney Michael Burrage.

After five years of confidential negotiations, the Chickasaw and Choctaw Nations have reached an agreement with the State of Oklahoma over water in southeast Oklahoma. The deal has been praised by state leaders as a historic accord that ends the tribes' lawsuit that blocked Oklahoma City's plan to pump water out of the region. But the deal still has to be sold to tribe members in that part of the state.



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A DIFFERENT TONE

At last week's announcement of the water deal in Oklahoma City, Gov. Mary Fallin took the stage with the chief and governor of two of the state's largest tribal nations. The theme

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was “unity” and the atmosphere was celebratory.

The tone was more sober a few days later at a small gathering in Hugo. Choctaw Chief Gary Batton told his members the agreement was the best the tribe could hope for.

“Am I joyous about this? Maybe not, but is it something I can live with and support? Yes it is,” Batton said.

The Choctaw Nations is holding community meetings across southeast Oklahoma this month to explain the complicated water deal that’s been negotiated in secret over the last five years.

The settlement ends a 2011 lawsuit brought by the Choctaws and Chickasaws to block Oklahoma City from pumping water out of Sardis Lake through a 100-mile-long pipeline. The tribes argued a **19th-century treaty gave Native Americans control of the water.**

“They were wanting to take our water from southeastern Oklahoma,” Batton said.



GRANGER MEADOR / FLICKR/CC BY-NC 2.0

Sardis Lake was at the heart of the dispute over who controls water across southeast Oklahoma.

All parties involved agreed to a gag order that kept settlement negotiations confidential. These community meetings are giving the public its first peek into deliberations. Michael Burrage, the tribes’ attorney and a former federal judge, said the state pushed hard to keep oversight in its own hands or court system.

“The tribes, I don’t want to say they distrust those people [the state], but we sort of do,” Burrage told the Hugo audience. “We wanted the settlement agreement enacted into federal law.”

NEW DEAL, PAST WORRIES

Under the agreement, a new commission of tribal and state representatives will evaluate any future plans to sell southeastern Oklahoma water to an out-of-state interest. It also establishes rules that govern the quantity of water that can be moved in-state, and under what conditions those transfers would be permissible. The rules were designed to protect Sardis Lake tourism, a major economic driver in southeast Oklahoma.

Oklahoma City already taps into nearby Atoka Lake, and the city has fewer restrictions for pumping its water. Burrage compared Atoka to “a mud hole” and said the water settlement will prevent the same thing from happening to Sardis Lake.

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Some of the Choctaw and Chickasaw tribe members at the Hugo meeting pointed to broken promises of the past, and wondered if the state would live up to its end of the deal. Chief Batton said federal recognition of the agreement will force the state to comply.

"If we get this passed into legislation, then as soon as we can show that they're watering their lawns while our lake is being dropped, then we can file a suit and get immediate relief so that they can't get any more water," Batton said. "And I keep saying the thing that makes me feel a little bit better in my gut is that even though we've gotten just a portion of it, it's better than nothing, and Oklahoma City did not take all of the water."



JOE WERTZ / STATEIMPACT OKLAHOMA

Choctaw Nation Chief Gary Batton, Oklahoma Gov. Mary Fallin and Chickasaw Nation Gov. Bill Anoatubby at a news conference announcing the water deal.

In fact, attorney Burrage said Oklahoma City still hasn't received a permit for water from Sardis.

"The tribes are not agreeing that Oklahoma City gets a permit for this water," Burrage said. "All we're agreeing to is that any permit that's issued has to meet these standards in regard to conservation, lake levels, in-stream flows. But we're not agreeing that they get it."

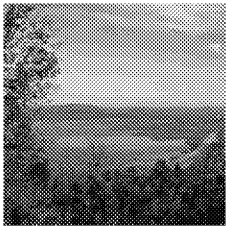
AN ACCEPTABLE COMPROMISE

Tribe members filing out of the Hugo Community Center generally seemed pleased with what they heard about the historic water agreement. Linda Duggan said Choctaw leaders fought hard.

"When a compromise comes nobody gets everything they want," Duggan said. "And the concern of the Choctaw Nation and a lot of Indians is to preserve our rights, and I think they're doing a good job at looking at that."

Duggan and other tribe members are eager to resolve Oklahoma's long-standing water dispute, but they're still a little uneasy, because the U.S. Congress gets the final word.

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Hanna Anderson • 4 days ago

Why won't OKC just build their own lake? I've read that they will also take water from Kiamichi River. This doesn't just effect the natives but every person that relies on the river for their own water needs, like watering livestock. Seems to me they are saleing off paradise, but they do tend to do that.

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Ben Carnes • 4 days ago

It seemed to be a different audience in Broken Bow. And some issues still remain unclear, but we'll have to find the facts while this bus runs over us as Chahta (Choctaw) citizens. And as always, we'll pick up the pieces to keep this portion of history from becoming another lost piece in a long line of white-washed fairy tales.

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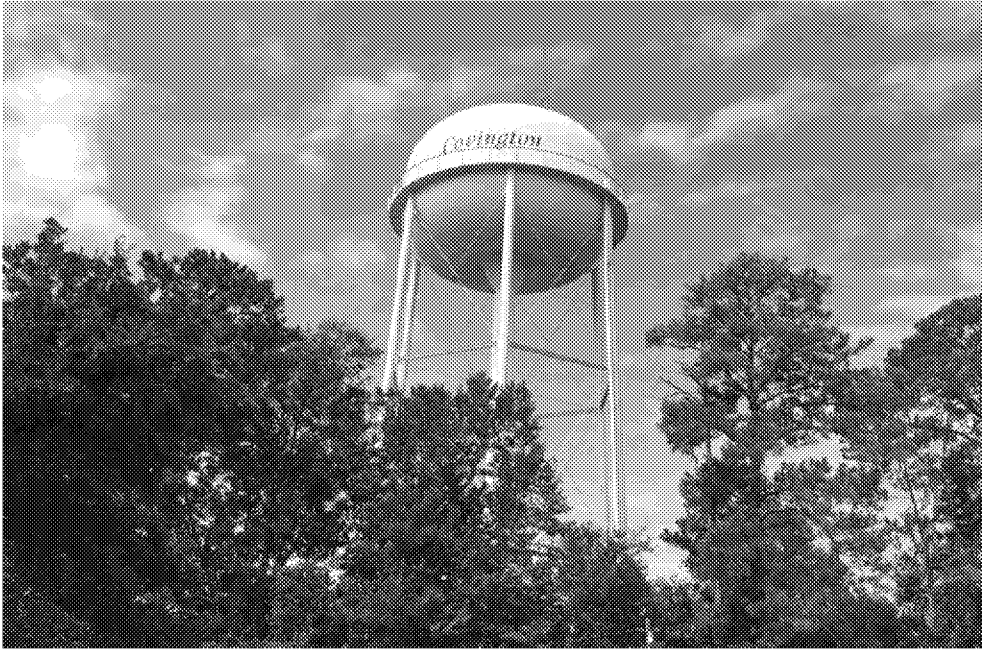
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(Kim Chatelain, NOLA.com | The Times-Picayune)



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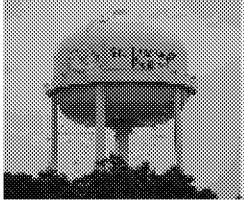
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on August 22, 2016 at 4:57 PM, updated August 22, 2016 at 5:37 PM

A boil water advisory was issued Monday afternoon (Aug. 22) for the entire city of **Covington**. City Hall posted the warning at about 4:30 p.m. because of a break in a major line near the intersection of Jefferson and 15th avenues.

Because of the break, water produced by the municipal supply system is of questionable microbiological quality. The advisory will remain in place until tests conducted by the Louisiana Department of Health and Hospitals confirm the water quality is acceptable, City Hall said. That could take as long as 72 hours.

Residents were advised to disinfect their water before consuming it, making ice, brushing teeth or using it for food preparation or rinsing foods. To disinfect, water should be brought to a rolling boil in a clean container and boiled for 1 minute.



Boil water advisory issued in Covington area

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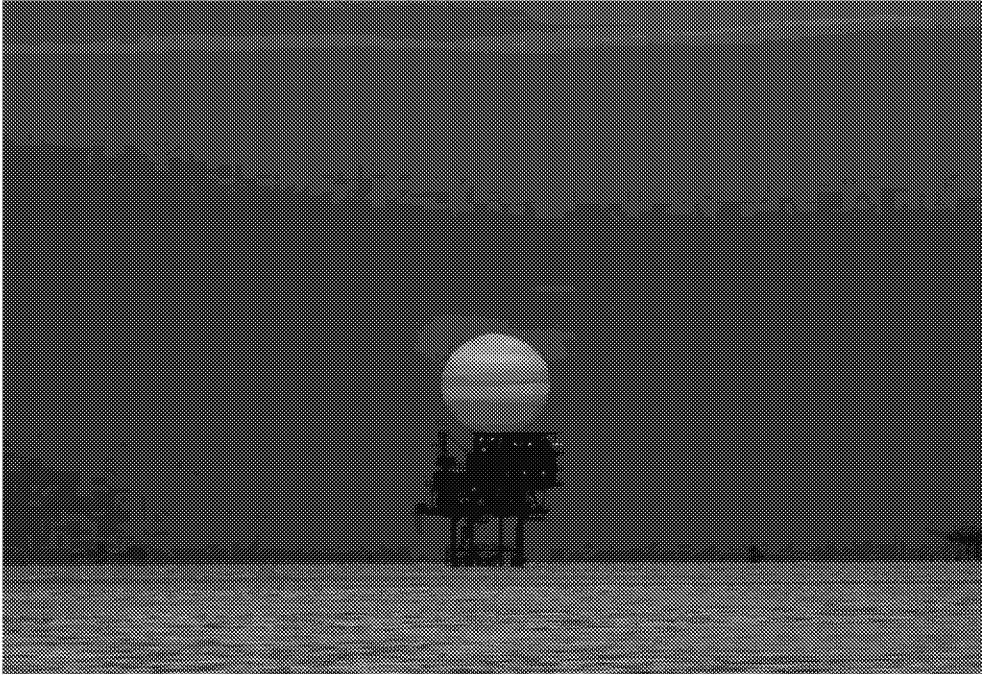
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Louisiana's sinking coast a \$100 billion nightmare for Big Oil



An offshore oil platform and wells are silhouetted by the setting sun in the Gulf of Mexico off the Louisiana coast on July 15, 2010. (Bloomberg photo by Derick E. Hingle) (*Derick E. Hingle*)

By **Bloomberg News**

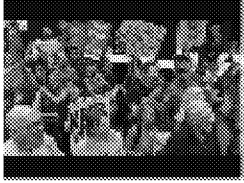
on August 22, 2016 at 9:20 AM



From 5,000 feet up, it's difficult to make out where Louisiana's coastline used to be. But follow the skeletal remains of **decades-old oil canals**, and you get an idea. Once, these lanes sliced through thick marshland, clearing a path for pipelines or ships. Now they're surrounded by open water, green borders still visible as the sea swallows up the shore.

The canals tell a story about the industry's ubiquity in Louisiana history, but they also signal a grave future: \$100 billion of energy infrastructure threatened by rising sea levels and erosion. As the coastline recedes, tangles of pipeline are exposed to corrosive seawater; refineries, tank farms and ports are at risk.

"All of the pipelines, all of the things put in place in the '50s and '60s and '70s were designed to be protected by marsh," said Ted Falgout, an energy consultant and former director of Port Fourchon.



Gulf oil lease sales become focus of protests

Louisiana has an ambitious -- and expensive -- plan to protect both its backbone industry and its citizens from this threat but, with a \$2 billion deficit looming next year, the cash-poor state can do only so much to shore up its sinking coasts. That means the oil and gas industry is facing new pressures to bankroll critical environmental projects -- whether by choice or by force.

"The industry down there has relied on the natural environment to protect its infrastructure, and that environment is now unraveling," said Kai Midboe, the director of policy research at the Water Institute of the Gulf. "They need to step up."

Every year in Louisiana, more than 20 square miles of land is swallowed by the Gulf. At Port Fourchon, which services 90 percent of deepwater oil production, the shoreline recedes by three feet every month. Statewide, more than 610 miles of pipeline could be exposed over the next 25 years, according to one study by Louisiana State University and the Rand Corporation. Private industry owns more than 80 percent of Louisiana's coast.

The land loss exacerbates another natural threat: storm-related flooding, like that affecting Baton Rouge now. As days of heavy rainfall caused water to overrun levees along several tributaries this week, Exxon Mobil Corp. began shutting units at its Baton Rouge refinery, the fourth-largest in the U.S. About 40,000 homes in southeastern Louisiana have been affected by the devastating flooding, and at least 11 people have died.

In Louisiana, marshes, swamps and barrier islands can mitigate flooding, soaking up rainfall like a sponge and reducing storm surge. But as the land erodes, storms advance without a buffer, and Louisiana's flood protection systems become less effective. The state estimates that damage from flooding could increase by \$20 billion in coming years, if the coastline isn't reinforced.

Midboe, with the Water Institute and the U.S. Business Council for Sustainable Development, is leading an effort to get companies to invest in restoration projects that directly affect their infrastructure. This month, over a lunch of fresh Gulf shrimp at Port Fourchon's headquarters in Galliano, Midboe made his pitch to a group of about 20 industry representatives.

"The problems are real. We need to deal with them now," Midboe told the executives. "The public funding needed to protect this infrastructure is going to fall far short."

The task force, Midboe explained, would identify restoration projects that could protect the industry's hard assets. Member dues would cover operational costs, and companies that would benefit from projects would share the cost of construction.

The oil and gas sector is already losing an average of \$14 billion a year to environmental threats to its infrastructure, according to a study by America's Wetlands Foundation and Entergy Corp. By 2030, those losses could exceed \$350 billion.

The America's Wetlands Foundation has already partnered with ConocoPhillips, Chevron Corp. and CITGO Petroleum Corp. to build a one-mile, \$1 million pilot project mitigating erosion along the Gulf Intracoastal Waterway, a shipping route used by oil and gas companies.

"I would think that the larger investors in Louisiana would be willing to look at this as part of their long-term business plan," Val Marmillion, managing director of America's Wetlands, said. "We can figure out a way to do these projects."

But so far there is little sign that companies are clamoring to spend the millions -- or billions -- of dollars needed. BP Plc., Chevron Corp., Royal Dutch Shell Plc. and Exxon Mobil Corp. declined to comment on the extent of their investments in environmental projects.

ConocoPhillips, the largest private wetlands owner in the state, said a combination of public and private funding was used to pay for 77 restoration projects enhancing 177,000 acres of its own wetlands. An additional 18 are underway, spokesperson Andrea Urbanek said.

There's another model for getting a company to pay up.

On the southern tip of Louisiana, state contractors are working 24 hours a day on a narrow strip of beach island along the Gulf of Mexico that will shield nearby Port Fourchon -- and its more than \$1 billion of infrastructure -- from storms and flooding.

The project is being paid for out of the nearly \$9 billion Louisiana is receiving from BP Plc and others for the 2010 Deepwater Horizon disaster.

The state has earmarked the bulk of those funds for rebuilding its coastline. While other Gulf states affected by the oil spill must use their settlement money on projects that directly remedy harm caused by the disaster, Louisiana fought to spend its share on unrelated coastal restoration projects.

"Louisiana asked for very specific language in the plea agreement," said Tanner Johnson, director of the Gulf Environmental Benefit Fund responsible for dispensing \$2.5 billion of the BP payout.

That decision has jump-started Louisiana's efforts, but even those billions won't be enough. Saving Louisiana's coastline could cost between \$50 billion and \$100 billion, according to the state's Coastal Protection and Restoration Authority. That has prompted some state and local officials to press other oil and gas companies for even more cash.

"Those responsible for the Deepwater Horizon spill are paying, but we are still tens of billions short" in paying for the coastal restoration plan, New Orleans Mayor Mitchell Landrieu said at a conference in June. "It's time for a new covenant, between the leaders of the oil industry and the people of Louisiana: We want you to drill and explore, but only if we repair what you have broken."

Landrieu's remarks touch on a sensitive issue for Louisianans: The BP settlements are funding a good deal of the state's coastal restoration plans. To what extent should the rest of the oil and gas industry do the same? It's not just a theoretical question.

Four parishes - Jefferson, Plaquemines, Cameron and Vermilion - are suing dozens of oil companies for money to fund coastal restoration projects in their vicinity. The suits allege that, over decades, the companies violated their coastal land use permits by not remediating the areas in which they operated.

The industry has been contending with similar "legacy suits" for at least 15 years. Now this time around is the establishment support this effort has received from politicians as high as Gov. John Bel Edwards, D. In April, Edwards moved to make the state of Louisiana a plaintiff in the litigation.

"If there are any financial proceeds that come out of this, we want to make sure they are appropriately used to restore the coast," said Patrick Courreges, a spokesman for the Department of Natural Resources, which intervened in the litigation on the governor's behalf.

BP's payments should not be a model, others in the industry argue.

"That's a situation where money was obtained because a company's conduct caused a problem. That's not a license to sue all oil companies," Bobby Meadows, an attorney representing Chevron, said about the lawsuits.

Industry representatives argue that oil and gas companies are already paying for coastal restoration through offshore oil and gas royalties. However, low oil prices and related production cuts have dramatically reduced the revenues that Louisiana's receiving from offshore royalties. In 2015, the state pulled in just \$816,728.

That could change within a few years. If production increases, Louisiana could receive a maximum of \$176 million in 2018.

"That's a lot of money that's going to be going into the coastal program," said Don Briggs, president of the Louisiana Oil and Gas Association. Those revenues, he argues, are a "sufficient" contribution from the industry. As such, "There is absolutely no talk among industry of any settlement" to the lawsuits, Briggs said.

Settling would be tantamount to shouldering responsibility for a crisis that has many causes.

From the passenger seat of a Cessna 185 sea plane, some of the thousands of miles of canals cut through the delta are still visible as straight lines of green jutting out into the murky Gulf waters. The canals played a role in today's coastal crisis, enabling salt water from the Gulf to infiltrate the freshwater wetlands, deteriorating them, according to the U.S. Geological Survey.

While many Louisianans are frank about the damage that oil production has done to coastal lands, they hesitate to lay the blame on industry alone.

"Unquestionably, oil and gas activity has impacts," said energy consultant Falgout, who owns large swaths of marshland affected by erosion and subsidence. "But oil and gas did what government let it do, like everyone else."

Another culprit is the U.S. Army Corps of Engineers, which made the fateful decision to levee the Mississippi River after the Great Flood of 1927, thus preventing the river from naturally depositing its sediment across the delta. Also, shipping lanes were dredged over decades, and agriculture played a role.

Chris Dalbomb of the Tulane University Water Institute says, "I don't think any of us can say we are not responsible to some extent."

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Lawmakers Push Back on Railroad Commission Overhaul Proposals

by Jim Malewitz | Aug. 22, 2016 | 21 Comments



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Marjorie Kamy's Cotera

Texas Railroad Commission Chairman David Porter speaks during a Sunset Advisory Commission hearing in Austin on Aug. 22, 2016.

Editor's note:

Correction

appended.

State lawmakers on Monday considered a host of recommendations to reshape and rename the Texas Railroad Commission, a powerful agency that oversees a

host of oil and gas activities but not railroads.

Staff of the Sunset Advisory Commission, the legislative body that periodically reviews state agencies, has called for big changes at the 125-year-old agency, including beefing up its oversight of drilling, pipeline safety and abandoned wells; improving record keeping; changing its name to the Texas Energy Resources Commission; and no longer regulating natural gas utilities.

But as a hearing of lawmakers on the Sunset commission stretched into evening, it appeared unlikely that all of those recommendations

"We are not angry with the Railroad Commission. We think in a lot of ways, they do a really good job. And when we spotted things where they weren't, we brought it forward."

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would make it into legislation. — Ken Levine, executive director of the Sunset Commission

One legislator said he believed the entire review was unnecessary, and the criticism mean-spirited.



"When I went through this report, I thought to myself, 'Why are you so angry at the Railroad Commission?'" Rep. Dan Flynn told Sunset commission staff.

"Oil and gas industry is the heart and soul of the state of Texas, the Canton Republican added, "And for us to go and attack an agency that's done a pretty good job, it just doesn't make sense to me."

Though no lawmaker completely echoed Flynn, his spirited defense of the Railroad Commission underscored the difficulty of implementing change at the hulking agency in Texas, the nation's oil and gas king.

Sunset Commission staffers said they did not intend to be mean.

"We are not angry with the Railroad Commission," said Ken Levine, executive director of the Sunset Commission. "We think in a lot of ways, they do a really good job. And when we spotted things where they weren't, we brought it forward."

A few lawmakers backed individual recommendations, but the panel largely took aim at various suggestions — including the ideas of removing the commission's authority to set natural gas utility rates and increasing the bond drillers pay to cover the plugging of thousands of abandoned wells.

Several lawmakers echoed industry arguments that the Railroad Commission needs more money to plug abandoned wells, which can pose major threats to state groundwater, but that it shouldn't come through increased industry bonds or fees.

"I would hope we could devise a better solution than what's proposed," said Sen. Van Taylor, R-Plano.



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Meanwhile, the three elected leaders of the Railroad Commission pushed back against some of the recommendations and suggested that others — while potentially good ideas — would cost millions of dollars that the agency doesn't currently have.

Improving the agency's tracking of enforcement, for instance, would require technology upgrades costing as much as \$20 million, Commissioner Christi Craddick said.

Scrutiny of the Railroad Commission, which depends largely on fees it collects from industry, comes amid a two-year downturn in oil patch that has chewed up agency revenues.

These conditions have spurred the commissioners to ask lawmakers for more money.

"Now that things are slow, the commission needs additional resources to carry out its responsibilities," said Chairman David Porter, calling for a "serious conversation about the funding challenge."

"We have an obligation to plug wells and remediate oil and gas sites," Porter added.

Monday's hearing showed that the debate over the future of the commission — which has drawn fierce criticism from environmental and health advocates — is unlikely to be settled early in the coming legislative session.

Environmental watchdogs and citizens grappling with nearby drilling largely backed the Sunset Commission's findings but called for even more changes at an agency they view it as too cozy with industry.

"The Texas Railroad Commission doesn't do a good enough job, and we're calling on Texas legislators to toughen up," testified Tom "Smitty" Smith, director of the Texas office of the consumer group Public Citizen.

The agency underwent the sunset process during the previous two legislative sessions, but it escaped a major overhaul each time when its three commissioners objected to reviewers' proposals.

In 2013, lawmakers rejected a wide range of Sunset Commission recommendations, including changing the commission's name, shortening the period in which commissioners can fundraise, barring commissioners from accepting contributions from parties with business before the commission, expanding its recusal policy and requiring commissioners to resign before running for another office.

The call to rename the Railroad Commission to reflect what it does — long a polarizing issue in Austin — drew less attention Monday that it has in the past.

The Railroad Commission and industry groups suggest lawmakers should take up that issue in legislation outside of what the Sunset commission ultimately hashes out — so as not to threaten that proposal.

Read more about the Railroad Commission and sunset review

- The Texas Railroad Commission should beef up its oversight of oil and gas drilling, pipeline safety and abandoned wells and change its name to reflect what it actually does, the latest sunset review recommends.
- The Railroad Commission of Texas is set to go under intense legislative scrutiny next session after all, under an agreement by state House and Senate lawmakers. The agency won't get a six-year reprieve from that process – an earlier prospect that had rankled its critics.
- If state Rep. Larry Phillips gets his way, the Sunset Advisory Commission could be up for the sort of operational review it's used to dishing out to other state agencies — forcing the agency to justify its existence.

Correction: A previous version of this story misidentified a lawmaker who was quoted criticizing a Sunset commission recommendation to increase bonding for abandoned oil wells. It was Sen. Van Taylor, not Sen. Larry Taylor.

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Mine Games

With little more than a promise, the Texas Railroad Commission is trusting a struggling coal industry to pay for the cost of cleaning up old mines.

In mid-2014, Texas' biggest utility, Energy Future Holdings, was about to file for bankruptcy, and Texas regulators suddenly had a big problem on their hands. Since at least the 1990s, the regulators had allowed Luminant, a subsidiary of Energy Future, to effectively issue an IOU for the \$1.1 billion cost of cleaning up its coal mining operations in Central and East Texas. They had permitted Luminant to "self-bond," which is essentially just a promise to pay.

With Energy Future Holdings in deep trouble, the Texas Railroad Commission, which oversees coal mining in the state, lurched into action. As the company worked to restructure its debt in bankruptcy court, the Railroad Commission scrambled to have the \$1.1 billion for environmental cleanup set aside as part of the deal.

Eventually it worked. Texas regulators succeeded in strong-arming Luminant into posting \$1.1 billion in collateral bonds, a more secure form of financial assurance.

But two years later, the Railroad Commission still hasn't learned its lesson, according to critics. Despite the rapid decline of the coal industry, the Railroad Commission is currently allowing four other companies to self-bond, putting taxpayers and the state at risk of being left holding

the bag should the companies go bankrupt. The Texas regulations are also flimsier than those in several other states, which means the Railroad Commission could be trusting financially weak companies to pay for the cost of environmental damage.

Until earlier this year, the Railroad Commission allowed the Texas Westmoreland Company to self-bond a portion of the reclamation cost for its 35,000-acre Jewett Mine.

“Self-bonding at this point is nothing more than legal fiction,” said Clark Williams-Derry, director of energy finance at Sightline Institute, an environmental research nonprofit. “The notion that these companies can use money they make later for cleanup makes less and less sense when the industry is in decline.”

Typically, coal mining companies are expected to put away cash or bonds to assure regulators that even during economic hard times, they will have enough money for remediating the mines after they’re shut down. But in Texas, the Railroad Commission has allowed more than one-third of the state’s coal mining firms — Alcoa, Sabine Mining Company, San Miguel Electric Cooperative and the Texas Municipal Power Agency — to self-bond. The state currently holds more than \$250 million in self-bonds.

As Luminant’s case shows, that’s a risky bet.

Hit by a one-two punch from cheap natural gas and a slew of environmental regulations, coal demand nationwide has dropped about 30 percent in the last decade. According to a March report by Moody’s Investors Service, 17 coal plants in Texas are at risk of shutting down, with 10 of them battling negative cash flows. As the pressure to clamp down on high-carbon energy sources increases, the downward spiral is expected to continue, according to analysts.

“We’re expecting [the coal market] to improve, but in the long run it’s definitely a downturn,” said James Stevenson, director of the North American Coal program at IHS Markit, a global industry research firm. “The companies’ valuations are low and a number of companies are in bankruptcy.”

Those challenges call into question whether coal companies should be allowed to self-insure. If mining companies go bankrupt, the self-bonding program could leave taxpayers with the bill for cleanup costs, a worry that led federal regulators to announce earlier this week that they would tighten the rules for self-bonding.

“If mining companies go bankrupt, the self-bonding program could leave taxpayers with the bill for cleanup costs.”

The risk is arguably higher in Texas. Four experts who reviewed Texas’ self-bonding regulations at the *Observer*’s request said they are flimsier than federal standards because they allow companies with low credit ratings and significant liabilities to self-bond.

“The bottom line is, the federal standards are themselves too weak,” said Williams-Derry. “The Texas regulations appear to be slightly weaker than the federal standards allow. They allow companies that should not be allowed to pass muster for self-bonding to self-bond.”

Industry officials say the financial tests in the self-bonding program are adequate to assess a company’s financial health.

“Self-bonding works as a tool,” said Ches Blevins, the executive director of the Texas Mining and Reclamation Association. “Texas has a very strong set of regulations on the books and has a very strong regulatory authority in place at the Railroad Commission.”

Ramona Nye, a spokesperson for the Railroad Commission, said the agency’s rules on self-bonding qualifications are “clear.”

“If a company cannot meet the requirements for self-bonding, that company must provide another form of acceptable financial assurance under our regulations,” she said in an email.

Nye did not provide more detailed responses to the *Observer*’s questions about the financial tests the Railroad Commission employs to determine whether a company can self-bond.

After almost a decade-long campaign by environmentalists, Congress passed the federal Surface Mining Control and Reclamation Act in 1977. The law set minimum standards for state regulation of strip mining and reclamation.

The law also stipulated that a company had to meet one of three tests to self-bond: a score of A or higher from credit rating agencies and a low amount of liabilities with either \$10 million or \$20 million in assets.

But those standards have repeatedly failed to detect mining companies on the brink of financial collapse. In Wyoming, Indiana and Illinois — where state regulations mirror federal statutes — regulators allowed coal companies to self-bond until after they filed for bankruptcy. Peabody Energy and Arch Coal, two of the largest mining companies in the country, continued to pass the financial tests using a legal loophole: They shifted their liabilities to parent companies and self-bonded using subsidiaries.

On paper, the subsidiaries looked financially healthy. In reality, they were tied to a parent corporation in dire financial straits.

Regulators also rely on audited financial data in which companies list assets at their purchase price, even if those assets have lost value over time.

“Just because you bought it for a billion dollars doesn’t mean you can generate cash of a billion or that anyone will buy it for a billion,” said Williams-Derry. “The end result is that you can have your books look financially healthy even as your company is descending into financial chaos.”

But Williams-Derry and other analysts claim that in Texas, coal mining companies might not need loopholes to pass the self-bonding test.

Texas has created a fourth test, allowing companies to self-bond as long as they have an investment-grade rating from credit rating agencies such as Moody’s and Standard & Poor’s (S&P) and finances that are better than the industry median as reported by Dun & Bradstreet, a business credit agency.

“Just because you bought it for a billion dollars doesn’t mean you can generate cash of a billion or that anyone will buy it for a billion. The end result is that you can have your books look financially healthy even as your company is descending into financial chaos.”

Environmental advocates criticized the test on two counts. The first portion of the test requires that companies have a credit rating of Baa3 and BBB- or higher, which allows companies to be considered as long as they do not have junk-bond status. Further, the industry median criteria is unlikely to weed out financially weak companies when the entire industry is in decline, critics said.

“That was a mistake,” said Tom “Smitty” Smith, director of consumer and environmental group Public Citizen’s Texas branch. “When the industry is collapsing, comparing yourself to everyone else in the dying industry does not mean you’re healthy.”

Williams-Derry likened the Texas self-bonding regulations to a Chinese menu, allowing companies to pick and choose options.

“Whichever criteria you happen to pass, you’re good,” he said. “If you fail two of them, you can pass the third and if you fail three, you can pass the fourth.”

Since 2007, Sabine

Mining Company has done exactly that. The company used Southwestern Electric Power, a utility company that buys coal from Sabine, as a third-party guarantor. Southwestern has low investment grade ratings — Baa2 from Moody’s and BBB from S&P. It has close to \$600 million in debt and only about half that in assets. As a result, it fails the first three financial tests.

But because it passes the weaker fourth criterion, the company has been allowed to self-insure the \$115 million it’s required to post for reclamation purposes.

The agency “should not have approved these Texas rules,” said Mark Squillace, a University of Colorado professor who specializes in natural resources law. “They are less stringent than the federal rules.”

There are other cases of companies meeting just one of the four criteria, too. For instance, the Texas Municipal Power Agency, which operates the Gibbons Creek mine in Grimes County, has been allowed to continue self-bonding this year even though it failed three of the four tests. The company has a high grade from credit ratings agencies, but also carries an exorbitant amount of debt compared to its assets and net worth.

Texas regulators are relying almost entirely on ratings from Moody's and S&P to determine the company's financial wherewithal. Credit ratings agencies have failed in the past to detect systemic risk — before the housing mortgage crisis, for example.

The Railroad Commission reviews financials every year. When a company fails to pass at least one of the four tests, as was the case with the Texas Westmoreland Coal Company earlier this year, the Railroad Commission requires the company to post cash or alternative bonds. Last week, the agency switched Westmoreland to surety bonds.

But next year, if its finances improve, Westmoreland won't need to meet any additional criteria in order to self-bond again. Texas regulations do not specify how long companies need to wait before they can apply to self-bond after they've been found noncompliant.

In 2014, Alcoa, a metal manufacturing and coal mining company that owns the Sandow mine near Rockdale, saw an increase in its debts, making it ineligible for self-bonding. A year later, however, after Alcoa purchased new assets, the Railroad Commission found it compliant and allowed the company to switch back to self-bonding.

Switching back and forth between self-bonds and collateral or surety bonds is “a real problem,” Squillace said. The case reminded him of Peabody, which set up a shell corporation and put enough assets in it to pass the self-bonding test.

“If some of these companies are playing fast and loose with the corporate structure laws, they could qualify for self-bonding even when there isn't the kind of security the state might want,” he said.

At the federal level, pressure from environmental groups and the bankruptcy of major coal companies prompted the federal Office of Surface Mining to advise states earlier this month to not accept new self-bonds until the coal market stabilizes, which it believes won't occur until 2021. In May, the agency, responding to a petition from WildEarth Guardians, a Western environmental nonprofit, started taking comments on the federal self-bonding statutes.

While the head of the Office of Surface Mining has said his department will meet with states to determine how to change the regulations so only financially healthy companies can self-bond, opponents of the program are pushing for it to be scrapped altogether.

Last month, the Railroad Commission's executive director, Kimberly Corley, wrote to the Office of Surface Mining, charging that the WildEarth Guardians' petition "exaggerates the consequences of current financial challenges in the coal industry."

"We believe ... that the current regulations provide adequate protection," she wrote. "The Railroad Commission of Texas regularly monitors the financial health of companies that are self-bonded and our regulations provide for the prompt replacement of any self-bond instrument if we identify concerns about the company's financial health."

"If some of these companies are playing fast and loose with the corporate structure laws, they could qualify for self-bonding even when there isn't the kind of security the state might want."

Compared to states such as Wyoming and Illinois, where state government has been stuck with the vast majority of the reclamation costs, Texas has a better record. Wyoming regulators were able to wrangle only 15 percent of the cost of cleanup from Alpha Natural Resources and Arch Coal after they both filed for bankruptcy. In Texas, however, after Luminant's parent company went bankrupt, the Railroad Commission was able to secure the \$1.1 billion in collateral bonds to cover the entire cost of its reclamation obligations.

Public Citizen's Smith said that happened partly because then-Railroad Commission Chairman Barry Smitherman was tough and partly because the \$1.1 billion for reclamation was only about 2 percent of the total debt restructured under Luminant's Chapter 11 bankruptcy filing.

Smith criticized the agency's policy to continue to allow other coal companies to self-bond after its experience with Luminant. He pointed out that in 2014, although the company was floundering economically, it was able to meet the state's requirements.

Smith said his group plans to point out the inherent risks of the self-bonding program to the Texas Sunset Commission, which periodically reviews state agencies and recommends changes to improve efficiency. In its latest report, the Sunset Commission identified as an area of concern the lack of adequate bonds by oil and gas operators for plugging old wells, but did not recommend changes to the coal self-bonding program.

Whether the Railroad Commission allows a company to self-bond or not is within the agency's discretion, Smith said.

Luminant, he added, "was an example when the Railroad Commission stood up and did their job, and they should do it for other mining companies too."

Naveena Sadasivam is a staff writer covering energy and the environment at the *Observer*. She has a degree in chemical engineering and a master's in environmental and science reporting from New York University.

by Naveena Sadasivam

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THE TEXAS TRIBUNE

EPA: North Texas Earthquakes Likely Linked to Oil and Gas Drilling

by Jim Malewitz | Aug. 22, 2016 | 33 Comments




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Marjorie Karnys Cotera

Kaylen Holmes, a 7th grade resident of Azle, Texas, testifies before the Texas Railroad Commission and voiced her concern about an increased number of earthquakes around Eagle Mountain Lake on January 21st, 2014.

REFERENCE MATERIAL

EPA Review of Railroad Commission Injection Program

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Federal regulators believe “there is a significant possibility” that recent earthquakes in North Texas are linked to oil and gas activity, even if state regulators won’t say so.

That’s according to the U.S.

Environmental Protection

Agency’s annual evaluation of how the Texas Railroad Commission

oversees

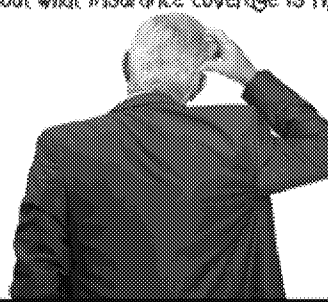
thousands of injection and disposal wells that dot state oilfields — underground resting places for millions of gallons of toxic waste from fracking and other drilling activities.

“In light of findings from several researchers, its own analysis of some cases and the fact that earthquakes diminished in some areas following shut-in or reduced injection volume of targeted wells,” the Aug. 15 report states, “EPA believes there is a significant possibility that North Texas earthquake activity is associated with disposal wells.”


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research has linked disposal wells to seismicity in Texas and other states, which has grown more frequent.

Jim Bradbury, a Fort Worth-based oil and gas attorney who has closely followed the earthquake saga, said he could not recall the EPA explicitly tying Texas earthquakes to industry activity.



"It's a big deal they said that," he said.

Texas, home to thousands of such wells, is the third-most at-risk state for man-made earthquakes, according to the U.S. Geological Survey — behind only Oklahoma and Kansas.

Several Texas drilling regions have recently felt more earthquakes, most of them small. But temblors in the Dallas-Fort Worth area have drawn the most attention, particularly those that struck in the past two years.

"EPA is concerned with the level of seismic activity during 2015 in the Dallas/Ft. Worth area because of the potential to impact public health and the environment, including underground sources of drinking water," the agency wrote.

The shaking has created political challenges for the Texas Railroad Commission, which oversees the powerful oil and gas industry.

Since 2014, the agency has added a staff seismologist and approved regulations requiring disposal well operators to submit more geographical information. But the agency, which has conducted its own investigations, has not publicly tied any of the shaking to industry activity — even as regulators in other petroleum states acknowledge a connection. The Railroad Commission has pushed back against conclusions of some outside studies.

Responding to the EPA report Monday, the commission told The Texas Tribune that it "takes the issue of induced seismicity very seriously and has in place some of the most stringent rules on disposal wells."

Since approving those 2014 rules, the commission has received 56 disposal well applications in historically seismic areas, spokeswoman Gaye McElwain said in an email. Of those, the agency has issued 28 permits with "special conditions" — those related to injection volumes and pressures, for instance. Eleven

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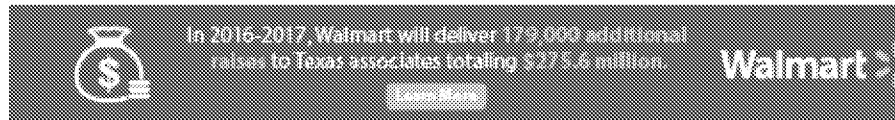


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special conditions, and four applications are pending," McElwain said.



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In its assessment, the EPA “commended” the Railroad Commission for establishing new regulations on disposal wells and clarifying its authority to shut down certain operations it ties to earthquakes. But the federal agency recognized that its own findings about North Texas seismicity run counter to what the Railroad Commission has publicly stated.

Earthquakes are generated by slipping faults, or fractures. Experts say that injecting fluids at high pressures can relieve pressure in some faults, causing them to slip. And “naturally fractured injection formations may transmit pressure buildup from injection for miles,” the EPA assessment notes, highlighting one such formation in North Texas — the Ellenburger — which is a popular disposal zone.

Luke Metzger, director of the advocacy group Environment Texas, suggested the EPA was simply “stating the obvious” about the cause of the quakes.

“EPA should insist the [Railroad Commission] accept the scientific evidence and take action to protect Texans from earthquakes,” he said.

But Bradbury, the North Texas attorney, found something more remarkable in the federal agency’s message to the Railroad Commission — particularly because the EPA had previously said little publicly about quakes in Texas.

“It is obvious to everyone that [the Railroad Commission] is intentionally avoiding the reality that the larger scientific community has embraced and is working on,” Bradbury said in an email. “I think it reveals that EPA is troubled by that reality.”

In its report, the EPA recommended, “close monitoring of injection activity” going forward, coupled with “appropriate data analysis methods, in a coordinated effort to detect possible correspondence with seismic activity.”

"It's the EPA's program, and they can cause the [commission] a lot of grief," he said.

Read more on earthquakes and oil and gas activities in Texas

- University of Texas at Austin researchers call it “plausible” that underground injections of oil and gas waste triggered a series of temblors that rattled Timpson residents in 2012.
- State lawmakers are considering a nearly \$2.5 million plan to help answer a pressing question in some Texas communities: Why does the ground keep shaking?
- A peripatetic seismologist and son of McCamey has been hired to figure out whether oil and gas drilling is causing earthquakes in Texas. No matter what he says, some people will not believe him.
- After wrapping up a round of testing, Texas regulators say they have found no evidence that injecting oilfield waste into five disposal wells triggered the largest recorded earthquake in North Texas’ history.
- After a contentious town hall meeting concerning the possible links between wastewater injection and a spate of North Texas earthquakes, locals say they cannot afford to wait for state regulators to address the issue.

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"[The name change] has been a sticking point for a while."

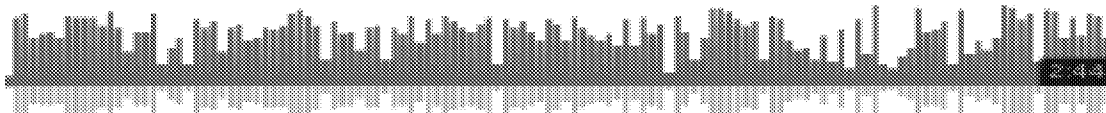


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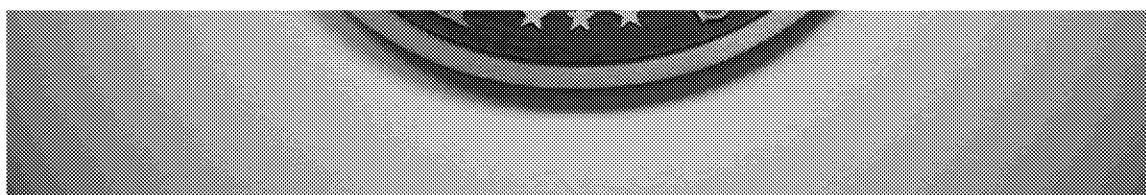
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From KUT:

Today the Sunset Advisory Commission – which evaluates the effectiveness of state agencies and decides whether they should be disbanded or reformed – will meet to look at one agency that's managed to avoid such reforms for years: the Railroad Commission of Texas.

The Sunset Commission says that name is the first problem, because the Railroad Commission doesn't regulate railroads. It regulates the state's oil and gas industry. So, the commission recommends a name change.

But that's just the start.

A recent report on the Railroad Commission found the commission does not “ensure public safety and environmental protection.” It says the Railroad Commission keeps records so poorly that it

can't show how many oil and gas violations it's found. And, if companies do break the rules, they can reasonably assume they won't be penalized.

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For example, the last review recommended limiting campaign contributions to railroad commissioners from the oil and gas industry.

"Ann Richards had this famous saying that says 'You gotta dance with them that brung ya,'" says Smith. "People tend to look favorably at the people who have provided them large amount of campaign contributions. It's just human nature."

The proposal to limit those contributions is absent this year. Smith wants it re-introduced. But the reality may be exactly the opposite. In an effort to finally pass any kind of reform, some lawmakers are talking about whittling down the Sunset Commission's recommendations.

"It's easier to put [campaign contribution regulations] in a separate bill and to file that bill. Than to put it in this bill and have that bog down this conversation," says Round Rock Republican Rep. Larry Gonzalez, who chairs the Sunset Advisory Commission. "There is an effort now to focus in on the critical elements of mission met effectively and efficiently. Period."

Gonzalez says that includes improving reporting of oil and gas violations. But it might mean leaving aside some other reforms, including the name change.

"That has been a sticking point for a while. It's been one reason the bill has failed. I think everyone has realized, let's remove that variable and let's pass the Sunset bill," he says.

The Sunset Advisory Commission meeting started at 9 a.m. at the Capitol.

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A State Agency's 'Misleading' Name Is OK With Texas Lawmaker

In Austin, a combative hearing over whether the way Texas regulates the oil & gas industry needs some major improvement. One message: Don't mess with the Railroad Commission.

DAVE FEHLING | AUGUST 22, 2016, 5:23 PM

00:00 / 01:29

It's become almost routine: every few years state lawmakers consider — but usually decline to make changes — to the Railroad Commission of Texas, the agency which regulates oil & gas drilling.

And so it was again Monday as lawmakers on the Sunset Advisory Commission (which periodically reviews performance of state agencies) heard from their staff members who'd compiled a report on improving the Railroad Commission.

First up, a name change: the century-old commission hasn't regulated railroads for years.

"Change its name to the Texas Energy Resources Commission. The agency's outdated name....misleads the public," said Sunset Commission staffer Amy Trost.

But the name change proposal was quickly attacked as unnecessary by lawmakers who came to the defense of the industry. One said it didn't matter if the name misled the public.

"It's an historical name. Let people think it has to do with railroads going up and down. It doesn't take long to figure it out if you're in the business," said Rep. Dan Flynn, a Republican from an area of East Texas rich in natural gas wells.

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The legislative staff also addressed a long-time criticism of the Railroad Commission: that it's too close to the oil & gas industry it regulates with all three elected commissioners having worked in the industry.

Legislative staffers suggested disputes between the industry and citizens should be handed to another state agency with no ties to the industry.

"It certainly removes the temptation and allegations of the lack of independence but I cannot tell you that it is independent where it is right now," said Ken Levine, director of the Sunset staff.

The Sunset Advisory Commission will take what it learned from Monday's hearing and come up with recommendations and vote on them this November. The recommendations will then go to the Texas Legislature for consideration in its next session that begins this coming January.

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Based in the world's energy capital, broadcast and digital journalist Dave Fehling is heard on public radio stations in Houston and throughout Texas, reporting on the oil & gas industry and its impact on the environment. After nearly three decades in television that included reporting for CBS News, Fehling joined...

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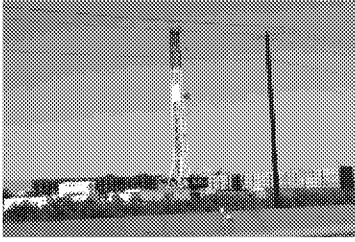
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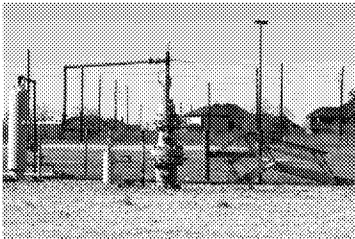
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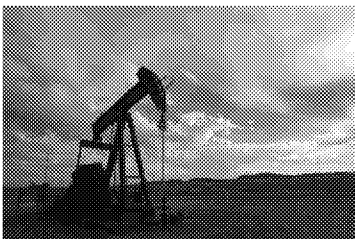
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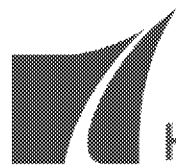
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August 22, 2016

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By Paul Stinson

Aug. 19 — The Environmental Protection Agency would rather work toward a settlement in the Texas haze rule than absorb an unpalatable precedent, an environmental attorney told Bloomberg BNA.

Talks between the federal agency and Texas are under way following the joint Aug. 17 motion to accommodate a 90-day stay of proceedings in order to allow settlement discussions through Nov. 28 (*Texas v. EPA*, 5th Cir., No. 16-60118, 8/17/16).

The court Aug. 19 issued a notice saying the motion was granted.

"I can imagine the EPA saying: 'We really don't want any further proceedings in this ... it's not going to end well,' said Seth Jaffe, an environmental and administrative attorney at Foley Hoag LLP in Boston.

Speaking by phone from Boston, Jaffe took stock of the July stay of the EPA's federal plan for the Texas regional haze rule by the U.S. Court of Appeals for the Fifth Circuit.

"Certainly looked to me like it's pretty clear what the final decision is going to be," he said.

EPA Precedent Concerns?

"There are a couple of issues that they could be worried about precedential effect on," Jaffe said.

A representative of the Texas Association of Business told Bloomberg BNA he echoed Jaffe's assessment of EPA concerns following the Fifth Circuit decision.

"I would agree with the precedent issue," said Stephen Minick, the association's vice president of governmental affairs.

"A stay is not very common, and usually signals a very strong argument on behalf of petitioners," said Minick in an Aug. 19 e-mail.

"I have to assume that EPA is concerned that the legal or procedural basis for the regional haze stay does not become a precedent that other jurisdictions (other federal appeal courts, etc.) adopt, thereby expanding its implications beyond Texas and Oklahoma or the 5th Circuit," he said.

"It could be that EPA may simply feel that a fight over an issue related to these two states and what some would argue are some small technical differences between the state and federal plan is just not worth the risk," Minick said.

Asked to identify particular areas of EPA concern, Jaffe specified the federal agency would not want any further discussion of the source specific analysis issue and the time frame as it relates to what's covered by the rule.

"Also, if their ultimate objective is to force the closure of coal-fired power plants, it is not as if that objective is not also the goal of other, higher-profile EPA regulatory initiatives," said TAB's Minick.

Responding to the filing, a Texas representative of the Sierra Club said the organization "has always been open" to resolving disputes outside of litigation, saying it had a "proud" history of settlements "achieved" with power and coal entities.

"Sierra Club has of course reserved its right to continue defending EPA's haze plan in court if it is not satisfied that a settlement would achieve positive results to clean up pollution from coal-fired power plants in Texas," Chrissy Mann, senior organizing representative for the Sierra Club's Beyond Coal campaign, said in an Aug. 17 statement.

Offering up reasons as to why Texas would want to come to the table, Jaffe stressed the presence of long-term incentives for finding a space for settlement even if the federal agency

seemed on course for legal defeat.

"You know, the EPA still has a lot of authority," Jaffe said. "This rule may not have passed muster but they could still be worried that EPA would go back to the drawing board and do something that would satisfy the court but that would still be onerous as far as Texas were concerned."

"So, even though they won pretty big, there's certainly reason enough for them to come to the table and talk, so I can understand motivations for both," he said.

Texas and federal officials highlighted the fruits of cooperation between Texas and the Environmental Protection Agency during a recent environmental conference in Austin, pointing to the progress made in easing a backlog of greenhouse gas emissions permits.

Representatives for the Texas Attorney General's office and energy companies told Bloomberg BNA they had no comment.

To contact the reporter on this story: Paul Stinson in Austin, Texas, at pstinson@bna.com.

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Ascension officials update timetable for cutting Alligator Bayou Road to release floodwater

BY TIMOTHY BOONE | TBOONE@THEADVOCATE.COM

PUBLISHED AUG 21, 2016 AT 4:20 PM | UPDATED AUG 22, 2016 AT 1:00 PM



Timothy Boone

Ascension Parish officials estimate they will cut into Alligator Bayou Road Wednesday or Thursday to relieve high water in the Bluff Swamp and Spanish Lake Basin.

Bill Roux, Ascension Parish public works director, said at a special Parish Council meeting Sunday the water level in Bayou Manchac needs to drop by 2 feet before the 70-foot break on top of the road can be cut. The cut will allow water from the basin to flow into Bayou Manchac.

"It's hardly dropped, just a few inches," Roux said of the water level in Bayou Manchac.

The water level hasn't dropped much because of all the water flowing in from Baton Rouge and Bayou Fountain.

To help speed up the drainage, the parish council Sunday agreed to install three temporary pumps on Alligator Bayou Road, which will pump water from the basin into Bayou Manchac. Roux said the first pump was installed Sunday morning, the second would be ready Sunday night and the third one should be running by Monday morning.

But even with the pumps, Roux said it would take two months to bring down the water levels in the swamp basin. Another heavy rain event or a hurricane would threaten thousands of more homes and businesses in Ascension and Iberville parishes, on top of all of the houses that flooded as a result of the heavy rains last week.

"If we don't do this, we will be in serious trouble," said Councilwoman Teri Casso.

Roux estimated that lowering the water level in the basin by 4 feet will require draining 13 billion to 15 billion gallons of water. "This is not a backyard pool we're trying to drain."

Alligator Bayou Road normally acts like a levee and holds water in the basin and in nearby Bayou Manchac separate from each other in the northwest corner of eastern Ascension and eastern Iberville parishes.

Severe rains fell into the basin, which helped push water from Manchac – fed by high water from East Baton Rouge Parish – over Alligator Bayou Road into the basin.

Roux told the parish council that flood waters were receding across the parish and was below flood stages everywhere but in Sorrento and St. Amant.

“Hopefully, we can put everything in the normal range in St. Amant by tomorrow,” he said. “Sorrento is a little bit behind, because I don’t think they’re quite under flood stage at French Settlement.”

In other business, the parish council approved a pair of pay measures for employees affected by the flooding. The first measure gave regular salary payments for all parish employees for the week of Aug. 15.

The second allows employees significantly impacted by the flooding to cash out some or all of their accrued vacation time. At least 81 employees were hit hard by the storm, said Council Chairman Randy Clouatre, and some lacked flood insurance.

Clouatre said it doesn’t do employees any good to have thousands of dollars worth of banked vacation time if they are facing making significant repairs to their homes.

“Our employees who gave 24/7, some of them have had their homes impacted,” he said. “They’ve got a long road in front of them.”

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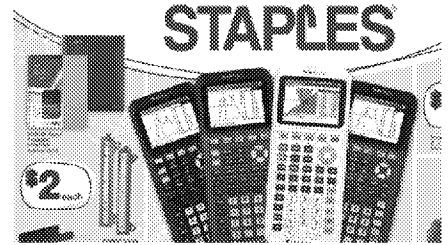


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Planned, forgotten: Unfinished projects could've spared thousands from Louisiana flood

BY STEVE HARDY and DAVID J. MITCHELL | shardy@theadvocate.com dmitchell@theadvocate.com

UPDATED AUG 22, 2016 AT 9:28 AM



BILL FEIG

Buy No

Steve Hardy

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Trey Poirrier and Jerry Gravois stood in waist-deep floodwater near the St. Amant Fire Department Monday morning trying, unsuccessfully, to reach a relative's waterlogged home.

Nearby, caskets were floating around the Methodist church. Volunteer boaters sailed by them with a rescued family of five, including three girls young enough to attend close-by Lake Primary School, also under water.

"The pictures and the videos don't serve it justice until you get out here," Poirrier remarked.

This is South Louisiana in August 2016 – people reduced to pleading for diapers in Central, whole neighborhoods wrecked in Baton Rouge, and most of Denham Springs buried under water and debris.

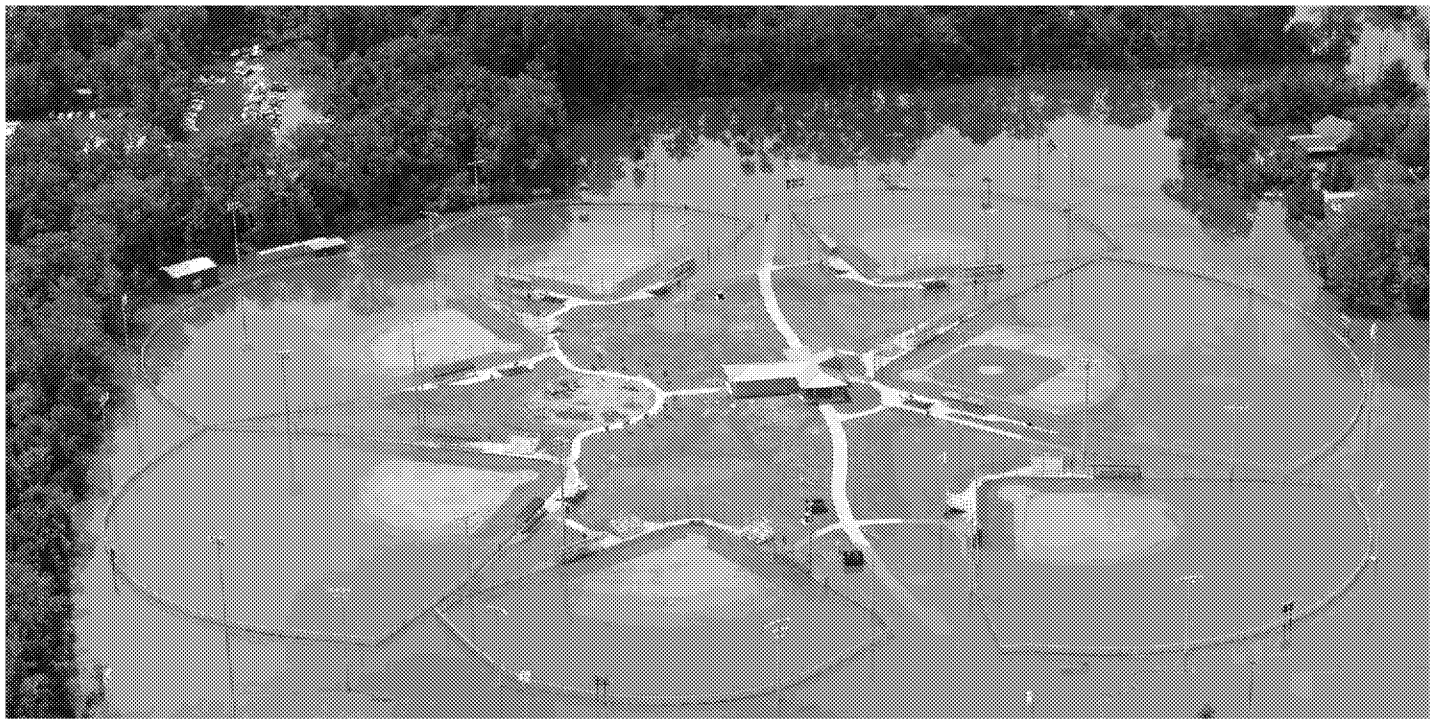
There have been other visions for the Amite River Basin – the main culprit in the catastrophe. As early as the 1970s, officials talked about drainage improvements, and their voices got louder after the horrific flood of 1983.

A canal would redirect high water from the Comite River through Baker and into the Mississippi River. A dam and reservoir would hold back the flow of the Amite in East Feliciana and St. Helena. Levees would protect Denham Springs.

Before and after: Photos show how water has receded in many flooded south Louisiana areas

Aerial photos taken over the past few day have shown devastating flooding across areas of south Louisiana. Photographer Bill Feig returned to many flooded locations Tuesday to show how the water has receded.





Three decades later, Ascension Parish has built several drainage pumps, levees and floodgates, but the big, federal projects have been abandoned or left incomplete.

Southeastern Louisiana, at present, has thousands of families digging out of their mud- and water-ruined homes, a gaggle of government officials calling each other incompetent and a flood-control structure with no canal to control.

No one has suggested that the proposed Comite River Diversion Canal or the Darlington Reservoir would have prevented the flood. But the canal alone could have saved up to a quarter of the homes damaged in the basin, says the former president of the commission that oversees the project.

Following the 1983 flood, the U.S. Army Corps of Engineers drew up several designs to improve drainage along the Amite and Comite rivers. There were some early discussions of putting levees along the Amite around Denham Springs, but the plan was deemed impractical, said Dietmar Rietschier, executive director of the Amite River Basin Commission.

Instead, officials focused on digging the canal and creating a reservoir on the Amite near Darlington, by the Mississippi state line. However, that project has also since been abandoned.

“It was always the idea to have these two projects working together complementing each other,” Rietschier said. “It would have benefitted (the region) by lowering the flood stage – to what degree, I don’t know.”

The Corps is currently studying whose homes the canal may have saved. They've previously investigated the effect the diversion would have during smaller storms, but nothing the size of the recent one.

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The basin, and the rain

The Amite River itself emerges from Mississippi and forms the parish lines between much of East Feliciana, East Baton Rouge and Ascension on one bank and St. Helena and Livingston on the other. The Comite and Bayou Manchac are two of the bigger waterways that drain into the Amite, which eventually empties into Lake Maurepas.

Last week, as in 1983, the Amite became swollen with water, beginning a cascade of floods in the rivers, bayous and ditches farther upstream, a phenomenon known as backwater flooding. But while the similarities between 1983 and the 2016 floods are striking, there are several reasons for the difference in magnitude.

First were the circling storms that fed the floods. Barry Keim, Louisiana state climatologist, said nine weather stations in the region exceeded a 1,000-year rainfall event, which roughly equals 21 inches of rain in 48 hours. Most of that happened in the North Baton Rouge area and Denham Springs.

“It’s really no wonder that the floods were as catastrophic as they were,” Keim said.

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A 1,000-year rainfall event is one that has one-tenth of a percent chance of happening in a given year. In contrast, the more often-cited 100-year rain event has a 1 percent chance of happening in a given year. Despite the terminology, these events don’t necessarily happen only once every 100 or 1,000 years.

In terms of probability, one storm doesn't affect the chances of another happening, just as one flip of the coin doesn't affect the next.

Todd Baumann, data chief for the U.S. Geological Survey's Lower Mississippi-Gulf Water Science Center in Louisiana, said it's a safe bet much of the flooding is beyond a 100-year event.

"We had 12 river gauges across the state that exceeded the highest events we've ever seen, so we're in completely uncharted territory," Baumann said.

According to National Weather Service data, every gauge on the Amite River from Darlington to French Settlement broke an all-time record.

"We don't even know yet exactly how much it was. We're still working those numbers out," Baumann said.

Compounding the damage is the growth of the communities along the Amite.

They have exploded in population in the intervening 33 years, putting more people and homes in the path of the water. The number of inhabitants in Livingston and Ascension parishes has more than doubled, from about 109,000 combined in the 1980 census to more than a quarter-million last year.

And now many of those people are asking what could have been done to save their homes and businesses.

Diversion canal

Even before the floodwaters hit their highest marks, local officials began questioning why the Comite Diversion Canal remains unfinished.

The canal is supposed to begin at the Comite near the intersection of Lower Zachary Road and La. 67 and run westward between Baker and Zachary. The canal would take water from the Comite – as well as from Cypress and White bayous – before emptying into Lily Bayou, which flows into the Mississippi River. Upstream of the confluence with the Amite River, the canal would also reduce flooding in Livingston and Ascension Parishes, though to a lesser extent.

It would be 20 feet deep and 300 feet across – wide as a football field, said state Sen. Bodi White.

"That's a lot of water," he remarked.

The Corps has estimated that the canal could reduce the height of the Comite River near Central by more than 7 feet in a small-scale flood, and by 5½ feet for a "100-year" flood. However, there is no model for an event the size of what Louisiana just experienced.

In Central, 90 percent of the homes are flooded, said Mayor Jr. Shelton, who challenged those involved with the diversion canal to come out to his city and see people lining up for food and desperate for toiletries.

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"How many people's lives ruined does it take to get the solution?" he asked. "It's disgusting."

The diversion would have the greatest impact on people in places like Central, Baker and Zachary, though it would make a measurable difference as far south on the Amite River as Port Vincent, the Corps has reported in the past.

That far downstream, the Amite also receives drainage from other bodies of water, including Bayou Manchac. A onetime trade route in Louisiana's early days, Manchac receives much runoff from growing south Baton Rouge, as well as from parts of expanding Prairieville in Ascension.

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'Couldn't have done it without those guys': 'Cajun Navy' to the rescue in sunken BR

Toni Guitreau is both the executive secretary at the Amite River Basin Commission and the mayor of French Settlement, just down the river from Port Vincent.

"We have homes flooded that have never been flooded," she said.

Guitreau said the canal would have helped prevent damage in her town.

"Even if it's just an inch ... if it's your house, that counts," she said.

Darlington Reservoir

At one time, the proposed savior of the Amite River Basin wasn't the diversion canal, but the Darlington Reservoir. In the mid-1980s, then-governor Edwin Edwards declared that work could begin before the end of the decade. Some engineering and permitting was done, but the project never got off the ground.

The reservoir was controversial on several fronts. A 1986 LSU study found that a 19,500-acre reservoir along the East Feliciana-St. Helena Parish line could have dropped the level of the Amite River by 6.6 feet in Denham Springs during the 1983 flood by storing water and allowing its controlled release.

However, building the reservoir would have displaced existing homes and farms.

Some detractors were also suspicious of the state Department of Transportation and Development after the agency proposed making the reservoir a tourist destination complete with a 1,000-acre resort park with overnight lodging.

The other major issue was economics. While the diversion canal is currently estimated to cost between \$212 to \$222 million, the price tag on the reservoir reached \$154 million back in 1989.

That year, a private engineering firm said the dam and reservoir would be economically viable, but not everyone believed that estimation. In 1990, the St. Helena Parish Police Jury wrote a joint letter to the editor excoriating the project, claiming the project would "unfairly destroy the homes, livelihoods and property" of some people near the reservoir and endanger others downstream of the dam.

"We do not put much stock in the hollow claims of some personnel in the Louisiana Department of Transportation and Development and the U.S. Army Corps of Engineers that they can build a safe dam," they wrote.

In 1992 the Corps of Engineers opined that the cost of Darlington would outweigh the benefits. A few years later the Corps said there would be ways to save money on construction, but the reservoir never came to fruition.

Late last week, Corps public affairs officer Ricky Boyett said factors like population and infrastructure have changed substantially since the matter was last researched. The Basin Commission's Rietschier said that though Darlington hasn't been part of the conversation for a while, the recent flood may reignite interest.

Ascension's own system

A year before the 1983 flood, Ascension Parish had put down on paper an overarching plan for a series of levees, pumps, floodgates and bayou improvements that would drain the parish when it rained and protect it from high water when the Amite flooded.

The document served as an engineering and financing plan – and political pamphlet – that allowed parish leaders to sell a half-cent sales tax to fund the future system. The 1984 ballot language for the tax references that plan, which outlined the parish's homegrown flood protection system as it largely exists today.

While many parts of the parish are drained by gravity into Bayou Manchac, the Amite River or the Blind River swamp, the plan's key infrastructure feature was a battery of five pumps in the middle of the McElroy Swamp at the confluence of two major drainage arteries, New River/Bayou Francois and Saveiro Canal.

Known as the Marvin J. Braud Pumping Station, after one of the plan's major proponents, it now has six pumps and is slated for a seventh. The station works like a big drain at the bottom of East Ascension's bathtub. Gonzales, St. Amant and southern Prairieville are all part of the station's 76-square-mile drainage area.

The Laurel Ridge levee, a floodgate at Henderson Bayou in Galvez and smaller pumps and levees in Sorrento make much of the rest of the plan's physical infrastructure, which alternately drains runoff or stops high water.

The parish-funded system was spurred by a series of floods in the 1970s and early 1980s during a period of above-average rain in the Amite River Basin. A grassroots pressure group formed, the Sandbaggers. Named with a sly wink at having had to sandbag homes after repeated floods, the group began pushing the then-resistant Police Jury to act.

"That's about the time we started to say, 'Well, you know, this is not an engineering problem, this is political problem,'" Willard J. Cointment Jr., a now retired surveyor and forming member of the group, said in 2011.

Parish leaders said they did not believe big dollar projects proposed by the state and Corps – the Comite Diversion and the Darlington Reservoir – could be finished in a timely fashion. They stopped a corps study of the parish’s drainage issues in favor of their own plan.

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Anatomy of the flood: 'Hurricane in its infancy' fueled by warm, moist Gulf air

Former four-term Parish President Tommy Martinez, whose home is north of St. Amant and flooded for the first time last week, said the diversion wasn’t being discussed when Ascension first discussed its master plan.

“That wasn’t even talked about,” Martinez said of the diversion.

Free of Corps entanglements, the parish built the pumps and other structures. Parish officials acknowledge those structures likely would not have met the Corps’ cost-benefit analysis standard in what was still a rural parish in those years.

After running afoul of the Corps over digging out bayous without permits and years of political wrangling, the last major piece of the system envisioned by the parish's master plan, the Henderson Bayou floodgate, was finished nearly two years ago.

The gates and a connected 14-foot-high levee are designed to stop water in the Amite River from flowing upstream into Henderson Bayou and flooding the Galvez area. Like many aspects of the parish system, the floodgate and levee were pegged to the historic crest of the Amite at Port Vincent in 1983 at 14.65 feet.

In engineering the new system, Ascension officials designed it to withstand a repeat of the 1983 flood, partly because it was the all-time maximum flood, but also due to the cost of building something even more robust.

But last week’s flooding pushed the all-time record nearly three feet higher, to 17.5 feet, on the Amite at Port Vincent. About 19,000 homes and businesses flooded in Ascension alone, and the devastation was underscored Thursday night in an emotional Parish Council meeting, where several members held back tears while expressing their feelings of loss and appreciation.

"I went up in a helicopter tour two days ago," Council Chairman Randy Clouatre said of his heavily flooded St. Amant-area council district. "It looked like Hurricane Katrina. Nothing but rooftops, and approximately 30 of them are my family members, but another 1,500 belonged to people I care for."

It's now clear, some parish officials say, that new benchmarks have to be set. The \$21 million Henderson Bayou structure that took three years to build, the levees, and even the Marvin Braud Pump Station were overwhelmed by the flooding.

The parish has \$41 million in drainage money from sales and property tax surplus and another \$27 million left from a 2007 bond issue that helped finish the Henderson Bayou floodgate. Much of that money is earmarked to projects, but those could get another look.

Councilman Dempsey Lambert, a major proponent of the floodgate, said a new drainage master plan is needed.

"We've seen water move in directions it's never moved before," he said.

Fingerpointing

The Amite River Basin Commission was supposed to hold its monthly meeting last Tuesday, but it was delayed indefinitely because commissioners were trapped by floodwater and could not reach the office on Sherwood Forest Boulevard. The commission is considering whether to move to a larger meeting place in anticipation of a crowd of attendees.

Shelton, the Central mayor, vowed to go and find out why the diversion canal has not been built.

"I lay this flood at the feet of the people who are sitting on their hands at the Comite River Diversion Canal," he said.

Shelton doesn't know who's at fault but said the various entities appear to be playing a "power game."

Officials spread the blame for the lack of progress, from the general – like lack of funding from the state or the federal government and sluggishness from the U.S. Army Corps of Engineers – to the excruciatingly specific – such as bickering over which specific areas can be set aside as wetlands mitigation to counteract the ecological damage to swamps caused by building the canal.

White, the state senator, pointed out that residents in Ascension, Livingston and East Baton Rouge have been paying a 3-mill property tax for over a decade and haven't seen any significant progress.

"They were hot about paying that tax for 13 years and not seeing anything. ... It's like beating your head against the wall," he said.

"This has never been a priority for the Corps of Engineers," and if the federal government isn't going to help it "should get the hell out of the way" so locals and the state can make a plan.

But state Rep. Valerie Hodges was critical of Louisiana officials as well. After floods in March, which largely spared the Amite basin, someone from the Department of Transportation and Development wondered aloud if the diversion canal was even necessary.

"Are you in the Twilight Zone? Because that's insane. ... I wonder what they think now?" she said.

"I would love to know ... how many homes could have been saved," said Hodges, who took four feet of water to her Denham Springs-area home and lost two vehicles and a "lifetime" of photographs. "We can't take these kind of chances. ... This never should have happened."

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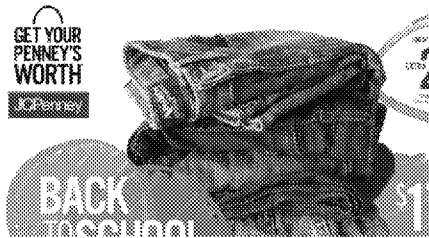
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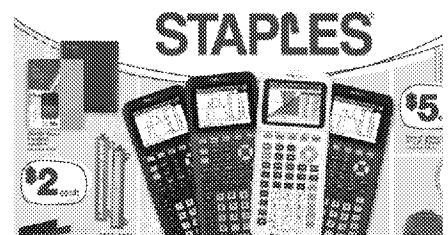


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Louisiana floods a 'crisis of climate change' say Greens

22 August 2016 | US & Canada



INPHO

The Green Party presidential candidate has described the flooding in the US state of Louisiana as "a crisis of climate change".

Dr Jill Stein spoke as she surveyed the wreckage from the disaster, which has killed at least 13 people and displaced thousands more.

A week on, more than 2,800 people remain in shelters unable to return to their wrecked homes.

Republican presidential nominee Donald Trump also visited this week.

President Barack Obama has been criticised for not breaking off his holiday last week but he will come on Tuesday.

Dr Stein stood in front of a home gutted by the rains in Denham Springs to deliver her message on global warming.

"We see the Louisiana flood as further evidence of the global crisis posed by climate change," the Green Party **released in a statement.**

"Until we humans make global sweeping changes to our economic and social systems, we must expect these types of disasters to continue regularly."

Donald Trump, who has repeatedly **called climate change a "hoax,"** helped volunteers unload aid supplies from the back of truck near the town of Baton Rouge.

Surrounded by members of the media and a small gathering of locals, he attended church and gave encouragement to people he met.

"You're going to rebuild," he said to one passer-by. "It's going to be so beautiful."

Hillary Clinton, the Democratic nominee, **has taken to Facebook** to voice her sympathy for victims.

"My heart breaks for Louisiana," she said in a statement. She has declined to visit the area to avoid disrupting relief efforts, she said.

AP

The difficult process of rebuilding flooded homes is only just beginning, as waters continue to recede.

Disaster relief centres have been set up in the towns of Baton Rouge, Amite and St Francisville.

Tens of thousands of people are looking for housing, after more than 40,000 homes were damaged.

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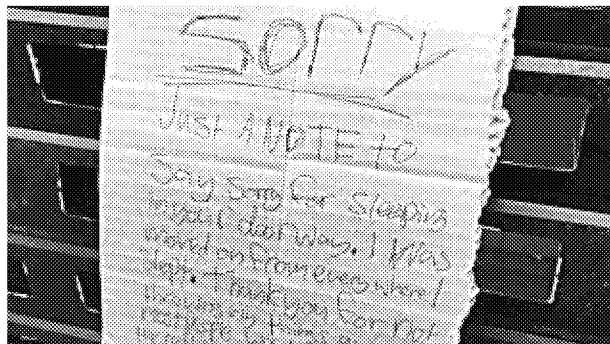
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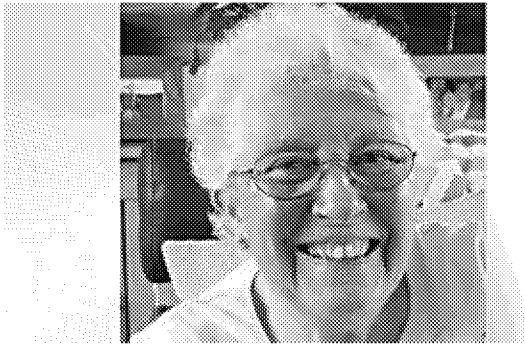
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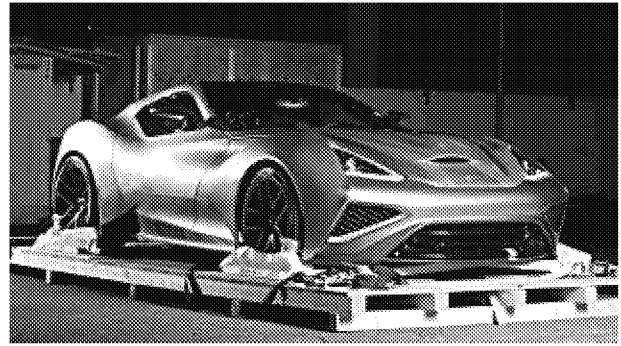
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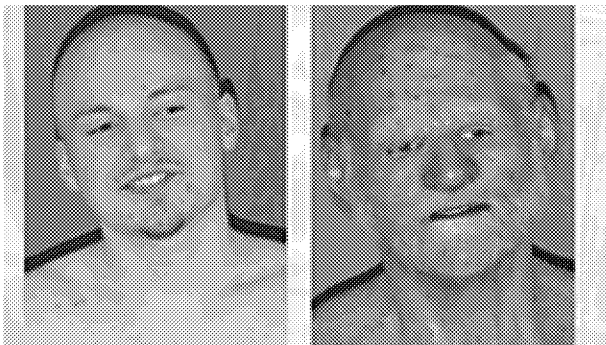
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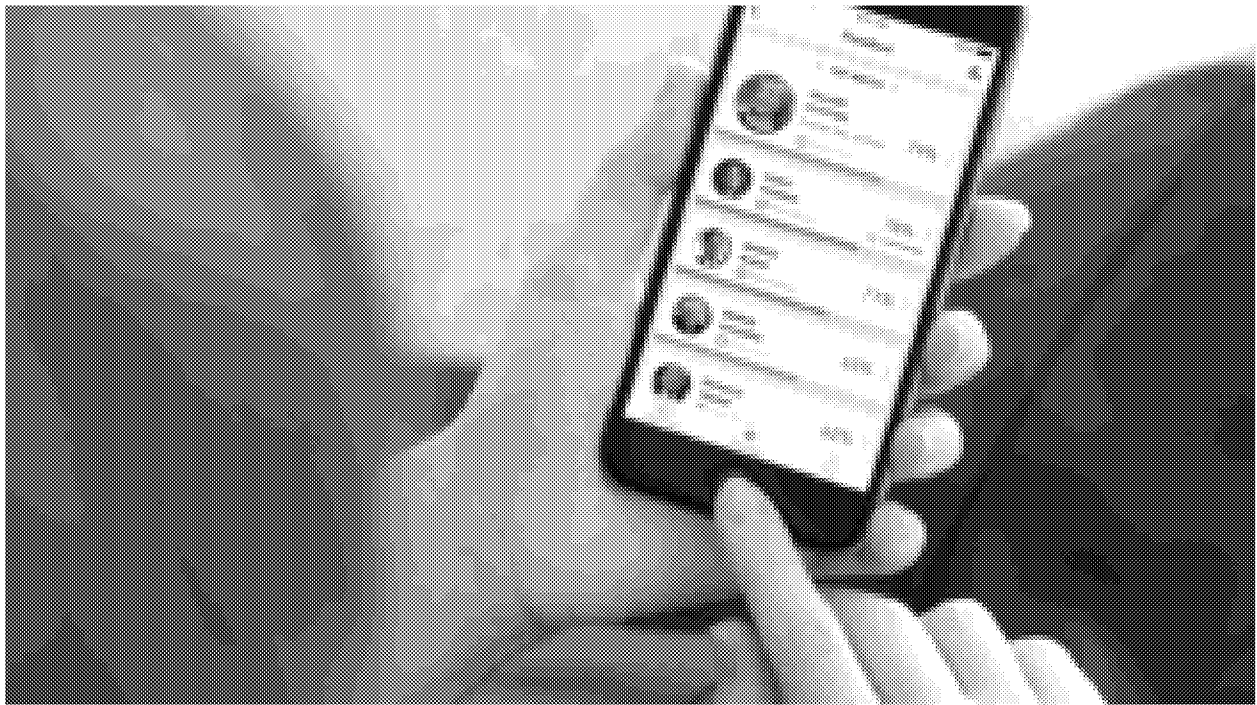
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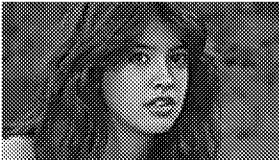
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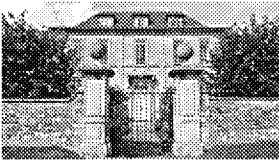
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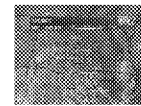
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After the Flood: Clean-up tips

Published: Monday, August 22nd 2016, 11:54 am CDT

Updated: Monday, August 22nd 2016, 12:32 pm CDT

Posted By KPLC Digital Staff **CONNECT**

JEFF DAVIS PARISH, LA (KPLC) - The water is receding and now the clean up begins, but where to start? Here are some tips, compiled from several sources, of how to restore your home.

REMOVE WET ITEMS:

- Remove wet carpeting and pads right away, as well as wet draperies and upholstery.
- Carpets and rugs that have been soaked for more than 24 hours should be discarded.
- Carpets that contacted sewage-contaminated floodwater should be discarded.
- Carpets that contacted only clean basement seepage or lawn runoff into a sub-basement, for example, may be dried and cleaned.
- Cut into wallboard and remove all wet and damp insulation, even if wallboard appears to dry. Wet insulation will stay wet far too long, leading to the growth of hidden unhealthy mold and decay fungi inside the walls.
- If your home was built before 1978, it could contain lead-based paint and asbestos materials. Disturbing such materials can create dangerous health hazards. Before you do that, learn more at www.epa.gov/lead and www.epa.gov/asbestos, wear protective gear and use safe work practices.
- Clean with nonphosphate detergents because any phosphate residue is mold food.
- If you disinfect, follow directions carefully and never mix bleach with ammonia or acids such as vinegar or lemon juice. Disinfectants can kill molds but do not prevent new growth on damp materials.
- Do all you can to speed the drying of subfloors, slabs and wall framing before replacing insulation, wallboard and flooring. Use air conditioning or heaters, fans, and better yet, a dehumidifier. Water damage restoration contractors with special equipment (dehumidifying blowers) can provide the fastest drying.
- Test the moisture content of studs and sheathing using a reliable moisture meter before replacing insulation. Before you close the wall, wood should drop at least below 20 percent moisture content to prevent decay and preferably below 16 percent to prevent mold growth.
- Do not use vinyl wallpaper. That would prevent further drying to the inside.

IF YOU FIND MOLD:

- If you are able to safely start clean-up of your home or business, remember the basic rule is, if you can see or smell mold, take steps to eliminate the excess moisture; then, clean-up and remove the mold by using a non-ammonia soap or detergent and hot water or a commercial cleaner.
- Thoroughly scrub all contaminated surfaces (using a stiff brush to clean masonry walls) with the soap or detergent. To get best results, use a lot of cleaning solution.
- After cleaning, disinfect the surface with a mixture that includes one-fourth cup bleach per gallon of water. If the mold has already started to grow back, try a stronger solution: one-half gallon bleach in five gallons of water. Allow the bleach solution to dry naturally for a six- to eight-hour time period as extended surface contact is important.
- Never mix bleach with ammonia, the fumes are toxic. Wear eye protection, rubber gloves and a mask. Ventilate the working area by opening doors and windows and using fans.
- Always use a face mask when working in areas that have mold. Almost anyone who breathes enough mold spores will have an adverse reaction. These reactions can include tightening in the chest, flu-like symptoms or even more severe reactions.
- If floodwater entered your home, you must clean and disinfect your home and any items that came into contact with floodwaters. Take precautions when doing so, especially if your home experienced a backup of sewage. Wear personal protective equipment. Porous items that absorbed flood waters, including drywall, carpets, upholstered furniture and curtains may need to be disposed of entirely or professionally cleaned.
- Throw out any food that came into contact with flood waters, including canned goods.
- Minimize your exposure during clean-up. People are exposed to mold mainly by breathing spores or fragments, but can also be exposed through skin contact. Wearing gloves and a respirator that can filter mold spores (N-95 or better) is recommended.
- Isolate the work area and ventilate to outdoors. Disturbing mold colonies can cause a massive release of spores, so seal off the contaminated area from the rest of the house. If the power is on, use a fan to exhaust air to the outdoors.
- Remove and discard moldy materials. Porous moldy or sewage-contaminated materials should be removed, bagged and thrown away. This includes gypsum wallboard, insulation, plaster, carpet/carpet pad, ceiling tiles, processed wood products and paper. To minimize the spread of spores, cover moldy material with plastic to contain spores before removing and discard it. Even if not moldy, all wet fibrous insulation and other materials that are unlikely to dry quickly should be removed and replaced.

FOOD:

- Throw away any food that has come in contact with floodwaters. Some canned foods may be salvageable; cans that have come in contact with floodwaters should be disinfected, but cans that are dented or damaged should be thrown away. Food contaminated by floodwaters can cause severe infections. A general rule of thumb for cleanup is: when in doubt, throw it out.
- According to the FDA, the edible portion of a crop exposed to flood waters is considered adulterated under section 402(a)(4) (21 U.S.C. 342(a)(4)) of the Federal Food, Drug, and Cosmetic Act and should not be consumed. The FDA recommends that these crops be disposed of in a manner that ensures they are kept separate from crops that have not been flood damaged to avoid adulterating "clean" crops.
- The food crops include but are not limited to: Surface crops such as leafy greens, tomatoes, string beans, berries, and corn; Underground crops, such as peanuts, potatoes, carrots, and garlic; Crops with a hard outer skin or shell, such as watermelon and winter squash; Grains, nuts, corns, and similar products stored in bulk.
- To Disinfect Undamaged Cans: Remove all loose dirt and debris. Wash can surface with soapy water and rinse thoroughly with plain water. Apply a chlorine bleach disinfecting solution to can surface. Keep surface wet with bleach solution for 2 minutes, then rinse thoroughly and dry.

DISINFECTING PRIVATE WELLS:

- If the wellhead has been submerged by floodwaters, the well has most likely been contaminated.
- If microbial contamination is suspected (if well was flooded or if water is unusually cloudy, odorous or tastes different), immediate disinfection is recommended. If contamination is discovered through water sampling, disinfection is required. Private well water consumers may choose to have their water sampled again immediately after disinfecting to be certain water is safe to drink. Thereafter, periodic sampling can help provide assurance of good drinking water quality.
- Consumers of private well water may contact the local health department for advice on well disinfection. This task can be carried out either by ground water professionals or by the homeowner using an array of information resources available from state and local health departments and government agencies. See, for example, the US Environmental Protection Agency's website, "What to Do With Your Private Well After the Flood" at: <https://www.epa.gov/privatewells/what-do-your-private-well-after-flood>.

For more information, visit:

www.epa.gov/mold

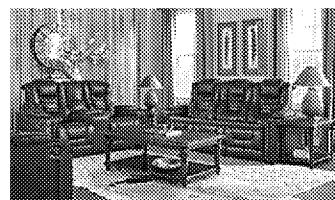
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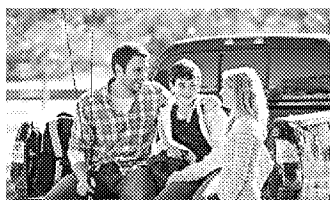
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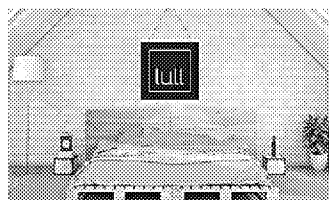
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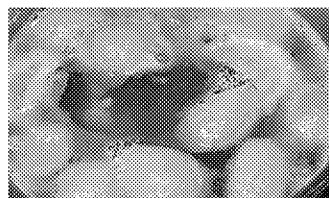
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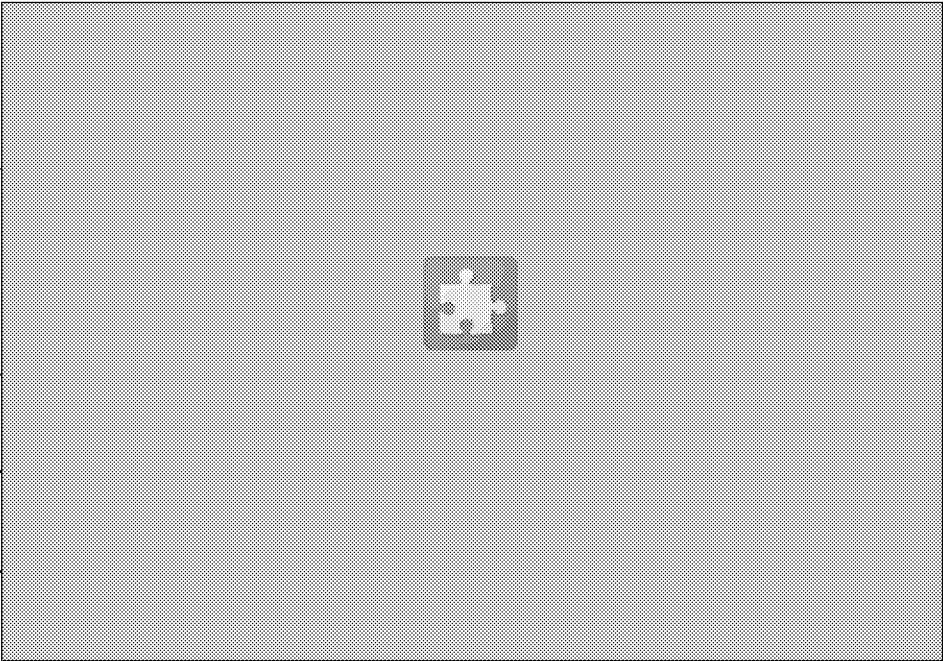
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U.S. | Mon Aug 22, 2016 4:47pm EDT

Louisiana residents without flood insurance face uncertainty



A flooded home is seen in Sorrento, Louisiana. REUTERS/Jonathan Bachman

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By **Sam Karlin** | BATON ROUGE, LA.

Quenton Robins watched on Sunday morning as a giant metal claw clamped down on his mother's ruined belongings, snapping wooden cabinets with an audible crack as the operator of a giant mechanized arm slowly cleared a mound of debris from her yard in Baton Rouge.

Five feet (1.5 meters) of water swept through the homes in the quiet Park Forest neighborhood just over a week ago, shocking residents who had been told they did not live in a flood zone.

"It's not a flood zone," said Robins, a 27-year-old Navy veteran. "At least it didn't used to be."

As efforts in Louisiana turn from rescue to recovery, renters and homeowners who do not have flood insurance are facing an uncertain financial future.

Private insurers do not cover flood damage and flood insurance in the United States is underwritten by the Federal Emergency Management Agency. Homeowners who live in designated high-risk flood zones are required to carry flood insurance if they have a federally backed mortgage.

In Louisiana, an estimated 42 percent of homes in high-risk areas have flood insurance,

Many of the areas hit hard by record rainfall last week were not considered at high risk for flooding.

Those residents without flood insurance are eligible for up to \$33,000 in FEMA individual disaster assistance funds, although most will likely receive less than that, based on payments following other major disasters.

After Hurricane Katrina in 2005, FEMA paid \$6.6 billion to approximately 1.07 million households and individuals in Louisiana, Mississippi and Alabama, an average of just over \$6,000 per grant, according to agency figures. Superstorm Sandy in 2012 produced an average payout of under \$8,000 for about 180,000 residents of New York and New Jersey.

FEMA spokesman Rafael Lemaitre said the individual assistance is intended to supplement insurance and to provide short-term relief for immediate needs.

"It's not designed to make survivors whole again," said Lemaitre, adding that FEMA recommends all homeowners obtain flood insurance regardless of the risk in their area. He also said residents could apply for low-cost loans from the Small Business Administration.

FEMA has approved more than \$55 million in aid so far and some 106,000 Louisiana residents have registered for emergency assistance after the record floods, which killed at least 13 and damaged more than 60,000 homes.

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Obama to tour flood-battered areas in Louisiana

U.S. President Barack Obama plans to visit Baton Rouge on Tuesday.

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Down the street from Robins' mother, retired widow Betty Bailey sat in the shade of her carport, waiting for her damaged possessions to be taken away.

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Bailey, who did not have flood insurance, said she moved to the neighborhood in part because it is not in a flood zone. When she applied for FEMA aid, she said they recommended she look into loans to cover her losses.

Deaths from U.S. lightning strikes this year at highest since 2010

"How do they know I can afford a loan with all the bills I already have?" Bailey said. "That's not right."

Looking out at her neighborhood, Bailey added, "Some of these houses will never be built back."

(Additional reporting and writing by Joseph Ax)

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Thousands still in shelters after record Louisiana floods



BATON ROUGE, La. More than 3,000 Louisiana residents were still in emergency shelters as record flood waters receded on Monday, while government officials weighed options for temporary housing after the state's worst disaster since Hurricane Katrina.

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LOUISIANA:

Flooding catches uninsured off guard

Published: Monday, August 22, 2016

Many Louisianans whose homes were ravaged by last week's flooding don't have flood insurance.

The Federal Emergency Management Agency underwrites flood insurance in the United States, as private insurance companies do not cover flood damage. The problem that thousands of Louisianans are facing, however, is that many hard-hit areas of the state were not previously considered flood zones.

While about 42 percent of houses in high-risk zones of Louisiana carry flood insurance, only 12.5 percent of houses in low- and moderate-risk areas do.

Affected residents without flood insurance are eligible for up to \$33,000 from FEMA, but most will likely get less than that. Afflicted Gulf Coast residents received an average of just \$6,000 in the aftermath of Hurricane Katrina in 2005, while residents in New York and New Jersey received an average of less than \$8,000 after Superstorm Sandy struck in 2012.

FEMA officials note they have set aside \$55 million in aid for Louisiana and say their grants are intended to provide short-term relief.

"It's not designed to make survivors whole again," said FEMA spokesman Rafael Lemaitre (Sam Karlin, [Reuters](#), Aug. 22). — **GD**

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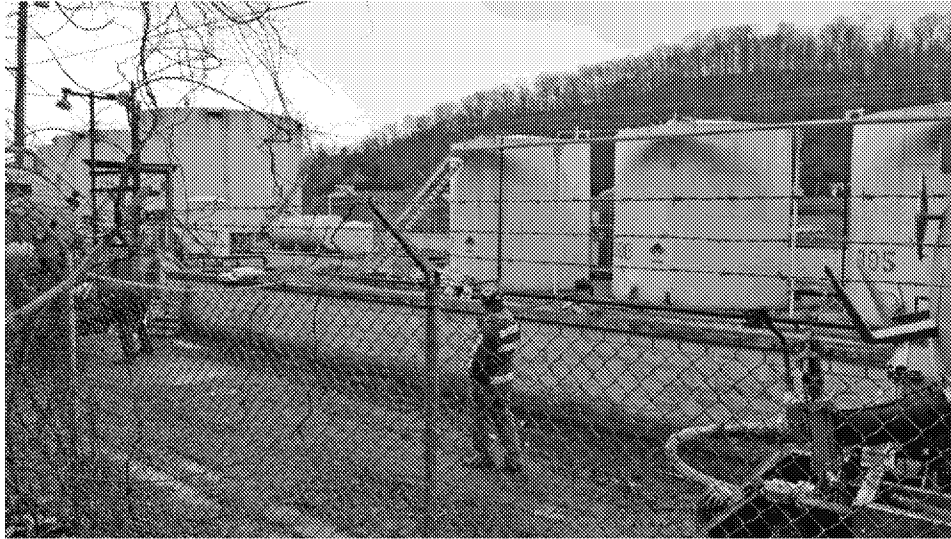
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August 22, 2016, 03:50 pm

Chemical disasters: EPA plan would keep us in the dark

By Juan Parras



Getty Images

Last month's chemical leak in Baytown, Texas is a stark reminder that many of us live perilously close to extremely hazardous chemical facilities. On Sunday, July 17, an unknown amount of explosive gas was released from a refinery pipeline prompting authorities to evacuate private homes and issue a 'shelter-in-place' alert for the entire neighborhood.

Chemical releases such as Baytown's happen with startling frequency and have the potential to impact thousands. The US Environmental Protection Agency (EPA) has identified 466 chemical facilities across the nation that each put 100,000 or more people at risk of a poison gas disaster. Since the West, Texas, disaster just a little over 3 years ago, there have been more than 430 chemical incidents resulting in 82 deaths.

While millions of Americans live or work in areas threatened by chemical disasters, not every community shares this risk equally. A **recent demographic analysis** by the Environmental Justice Health Alliance found that the percentage of Black people living closest to America's most dangerous facilities is 75% greater than the U.S. as a whole, and the percentage of Latinos is 60% greater. The poverty rate closest to these dangerous facilities is 50% higher.

This terrifying incident in Baytown happened as EPA is crafting rules that are supposed to improve chemical facility safety. Unfortunately, EPA's proposed Risk Management Plan (RMP) rule fails to include basic prevention measures and would block at-risk communities like Baytown from seeing the essential information they need to protect their families.

If you and your family lived in constant threat of this sort of disaster, don't you think you should be allowed to know if the facility risking your lives could be using a safer chemical or process instead?

This is just common sense to the many community, business, health, and national security leaders who are supporting simple requirements for hazardous chemical facilities to look for safer alternatives (through a Safer Technology and Alternatives Analysis, or STAA) and then share these options with people living or working in their chemical disaster "vulnerability" zone.

Unfortunately, the EPA doesn't seem to agree. It has proposed changes to its chemical disaster prevention rules (the Risk Management Plan, or RMP) that specifically exclude sharing any information from these studies with endangered communities.

EPA's failure to ensure that at-risk communities get the information they need to participate in their own protection is surprising, especially as EPA Administrator **Gina McCarthy** has repeatedly expressed her commitment to openness and transparency during her leadership of the agency.

Earlier this month, the **Administrator's blog claims** that "EPA prioritizes transparency, openness, and participation in all that we do—not because we have to, because it works." (<https://medium.com/epa-forward/why-epa-is-the-gold-standard-for-environmental-protection-around-the-world-b17b544bad1d#.yyiptuwyk>) And yet, the Agency's proposed rule would leave communities in the dark.

Unless the proposed RMP rule is amended, nearby residents, businesses, hospitals, schools, and everyone else at risk of a chemical disaster will never know if these facilities could be using safer chemicals or processes.

Fortunately, there is still time for EPA to make a few modest changes to the proposed RMP rule that can transform it into something that can prevent disasters, protect communities, and make the Administrator's stated commitment to transparency a reality.

If EPA expects its RMP proposal to pass the straight face test as a rule that promotes transparency by making information on hazards and solutions available to people at risk, it must amend its proposal to:

- Require that all RMP facilities (not just a small subset) determine if safer methods or chemicals are available;
- Ensure that at least critical summary information from these assessments is directly available to at-risk communities;
- Provide opportunities for community and worker involvement in all prevention and response planning and decision making processes.

I hope that the Administrator will live up to her commitment to transparency and participation by directing her staff to make these modest—but essential—changes to the proposed RMP rule.

Juan Parras is the Director of t.e.j.a.s., and has been organizing environmental justice communities since 1994. Juan was an original member of the National Environmental Justice Advisory Council (NEJAC), and has served on the boards of the Gulf Restoration Network, National Childhood Lead Prevention Program, and the Center for Health and Environmental Justice (CHEJ). He is currently an environmental justice Ambassador for the Gulf of Mexico Alliance. Juan received the CEC Synergy Award in 2008 and the Sealy Center for Environmental Health & Medicine HERO Award in 2009.

The views expressed by authors are their own and not the views of The Hill.

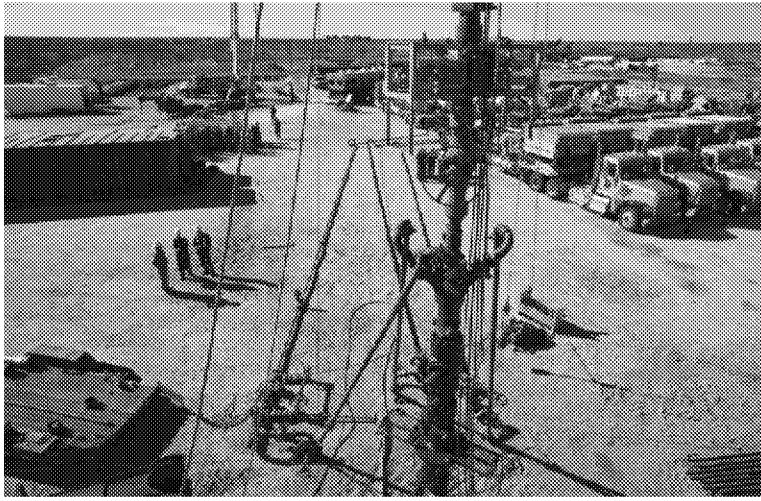
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Commentary: University study backs safety of fracking

Posted by [FuelFix.com](#) Date: August 23, 2016

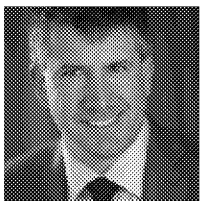


A well is drilled at an Apache Energy site in the Permian Basin in Midland, Texas.
(Jim Wilson/The New York Times)

By Erik Milito

American Petroleum Institute

Evidence continues to accumulate that fracking is safe. Earlier this year, the University of Cincinnati completed a three-year study in which researchers examined water samples three to four times per year from 23 wells in the Utica shale region. The study found no evidence linking fracking to groundwater contamination, according to Dr. Amy Townsend-Small, a geologist involved with the study. Samples that were high in methane “clearly did not have a natural gas source,” researchers found. In fact, Townsend-Small says, “Some of our highest observed methane concentrations were not near a fracking well at all.”



Erik Milito is the director of Upstream and Industry Operations for the American Petroleum Institute.

Good news — unless you have an anti-energy political agenda. Some of the study's funders apparently do, and they “were a little disappointed in our results,” Townsend-Small said. “They feel that fracking is scary, and so they were hoping our data could point to a reason to ban it,” she continued.

Oil and natural gas opponents are similarly disappointed with a landmark study EPA released last June. The five-year, \$31 million study of hydraulic fracturing “did not find evidence that these mechanisms have led to widespread, systemic impacts on drinking water resources in the United States.” EPA's exhaustive study is the most complete compilation to date of scientific data on the issue, including more than 950 sources of information, published papers, technical analysis, contributions from stakeholders and peer-reviewed EPA scientific reports.

Since releasing its findings, the EPA has faced calls to walk back its scientific conclusions. While offering no evidence to contradict EPA's findings, some members of its Science Advisory Board recently called on the agency

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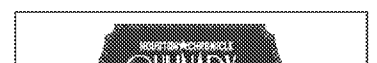
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to provide additional data.

But the science is clear, and the evidence – including 65 years of safe operation – is overwhelming. No cases of drinking water contamination have been documented in the Marcellus, Utica, Barnett, Permian, Eagle Ford, Woodford, Fayetteville, Haynesville, Bakken, Denver- Julesburg, Piceance, Raton, or any other shale plays where hydraulic fracturing has been used. The combination of continually improving industry practices, advancing state programs and federal environmental statutes all work together to provide an effective structure that allows for the essential development of the nation's oil and natural gas resources while protecting the environment.

The United States remains the world's leading oil and natural gas producer, and we couldn't have done it without hydraulic fracturing, which accounts for more than 43 percent of domestic oil production and 67 percent of natural gas production.

The U.S. also leads the world in reduction of greenhouse gas emissions, and fracking is the primary force behind that achievement, too. Energy-related carbon dioxide emissions dropped 12 percent below 2005 levels last year, the Energy Information Administration (EIA) reports, "mostly because of changes in the electric power sector" – specifically, "increased use of natural gas for electricity generation." Energy-related carbon emissions for this year are projected to reach their lowest levels since 1992. However much leave-it-in-the-ground activists may wish to deny it, we wouldn't have such an abundance of clean-burning, affordable natural gas to use in power generation, and resulting emissions declines, without fracking.

The idea that energy production and climate progress are mutually exclusive just doesn't hold up. According to Environmental Protection Agency (EPA) data, aggregate national emissions of six common air pollutants have fallen an average of 63 percent since 1980 – while our population, energy use and GDP have increased. We're even one-third of the way toward achieving the emissions reductions we committed to under the Paris climate agreement.

The role hydraulic fracturing plays in cutting carbon emissions has become clear only recently, but the environmental advantages of the technology as a production method have been understood for years. A 1999 Department of Energy report credits the combination of hydraulic fracturing and horizontal drilling with providing "environmental benefits" because "less wells are drilled, there is a smaller footprint, recovery is optimized, there is less produced water, less drilling waste, and – for hydraulic fracturing – protection of groundwater resources." And technology has only advanced since then.

The facts on fracking show that not only has the technology helped lower fuel, utility and manufacturing costs, and not only is it environmentally safe, but it is integral to U.S. status as the world's leading reducer of greenhouse gas emissions.

About The Author

FuelFix.com

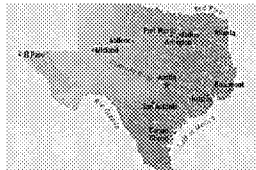


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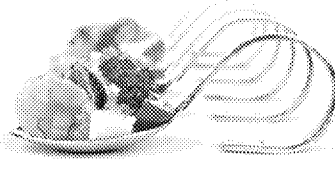

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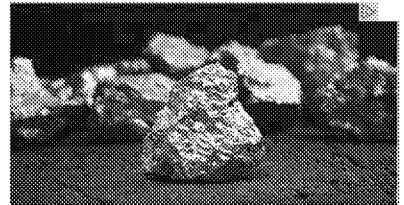
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CEMEX reaches settlement to reduce pollution

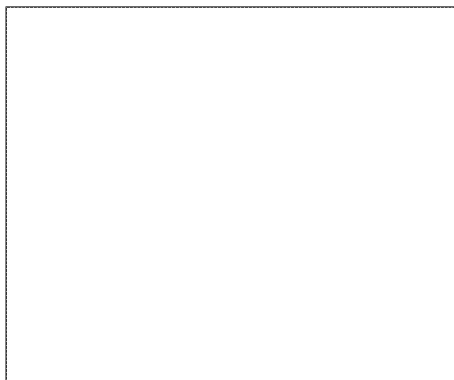
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Posted: Tuesday, August 23, 2016 6:00 am

By Livi Stanford livi.stanford@dailycommercial.com | [0 comments](#)

TAVARES — A global building materials company seeking to build a controversial sand mine in south Lake has reached a settlement with the Department of Justice and the U.S. Environmental Protection Agency to reduce harmful air pollution at five of its plants, according to the Department of Justice.

Under the settlement, CEMEX will “invest approximately \$10 million to cut emissions of harmful air pollution” at cement manufacturing plants in Alabama, Kentucky, Tennessee and Texas to “resolve alleged violations of the Clean Air Act.”



Each of the five facilities produce Portland cement, “a key ingredient in concrete, mortar and stucco,” according to a press release from the Department of Justice.

CEMEX officials stated in an email that “Portland cement will not be manufactured at the proposed facility in Lake County. The project’s sole purpose is to extract sand — a much needed resource to support infrastructure and other construction projects in Florida.”

“CEMEX’s commitment to environmental excellence throughout its Florida sand operations is recognized by many organizations including the Wildlife Habitat Council,” CEMEX stated. “CEMEX works diligently to ensure our operations are environmentally-sound and will continue this commitment at the Lake County sand facility.”

In March 2015, county commissioners voted 3-2 to deny CEMEX’s application for a sand mine in the center of the Wellness Way Area Plan, a plan to transform 15,481 acres in the southeast corner of the county into a hub for high-tech, high-wage health care jobs and other industries.

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Since then, CEMEX filed a lawsuit on Feb. 4 against the county and requested a hearing before the state of Florida Division of Administrative Hearings challenging the adoption of the massive Wellness Way development.

County officials are now awaiting a ruling from the Florida Division of Administrative Hearings Judge Bram Canter.

A county commissioner facing a battle for re-election, who is alleging CEMEX has been pouring thousands of dollars into PACs to defeat him in the upcoming primary next week, says the company is deceiving the public.

"You either obey the rules or you don't," Jimmy Conner said. "They have an untold number of fines for pollution. CEMEX told me they would give the county \$2 million for its roads if I would vote for the sand mine. My immediate reaction was, 'that makes me uncomfortable. It feels like a bribe.' They run billboards trying to tell everybody they are a good company. It is shocking the magnitude of fines and the number of violations. They are not a good neighbor."

Conner is running against Wendy Breeden, who has spent 23 years in Lake County government.

In the latest anti-Conner mailer, Global Contracting Group, a general contractor in Wildwood whose clients include CEMEX, donated \$40,000 on July 20 to a political action committee, Citizens for Common Sense in Government. Citizens for Common Sense in Government then made a \$50,000 donation to Citizens for Integrity in Government, the one responsible for the anti-Conner mailer, on July 25.

On Aug. 4, Southeast Environmental Solutions donated \$1,000 to Citizens for Common Sense in Government. SurvTech Solutions also made a \$500 donation on the same day. Both companies are clients of the Colinas Group, an engineering and environmental consulting group that has represented CEMEX in the past. On Aug. 5, Citizens for Common Sense in Government made another contribution of \$35,500 to Citizens for Integrity in Government.

Matt Mouncey, the husband of Tracy Mouncey, a lobbyist for CEMEX, is a principal consultant with The Colinas Group and vice president of Southeast Environmental Solutions.

This is not the first time Global Contracting Group has donated to PACs. In April and May the organization donated \$14,300 to another PAC operated by William Jones, who operates a separate PAC responsible for anti-Conner mail pieces.

Ro Mac Lumber And Supply, which is owned by Dan Robuck, Breeden's brother, has no love for Conner. Robuck's company contributed \$10,000 to another PAC, Citizens for Common Sense in Government, which supports Democratic candidates, on March 29.

On May 9, Citizens for Common Sense in Government contributed \$15,000 to the Citizens for Integrity in Government.

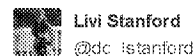
Commission Chairman Sean Parks said his main concern with the sand mine in south Lake "was its negative effect on economic development, our roads, water resources and property rights of adjacent land owners.

"That is why I voted to deny the sand mine permit," he said. "It just wasn't the right place."

There are nine other sand mines in Lake County, which were permitted many years ago and are not located in areas that are ripe for economic growth, according to Parks.

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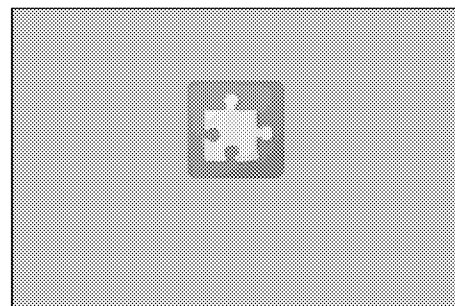
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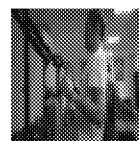
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According to the EPA database, there are 14 CEMEX facilities with a current violation and an additional 34 facilities with violations in the past three years.

CEMEX is required to pay a \$1.6 million civil penalty, spend \$150,000 on energy efficiency projects to “mitigate the effects of past excess emissions of nitrogen oxides from its facilities,” the DOJ stated of its violations at its five facilities, which produce Portland cement.

“The cement sector is a significant source of air pollution posing real health risks to the communities where they reside, including vulnerable communities across the U.S. who deserve better air quality than they have gotten over the years,” said Assistant Attorney General John C. Cruden in a statement for the Justice Department’s Environment and Natural Resources Division.

The Department of Justice reported nitrogen oxides and sulfur dioxide, two key pollutants from cement plants “have numerous adverse effects on human health and are significant contributors to acid rain, smog and haze.”



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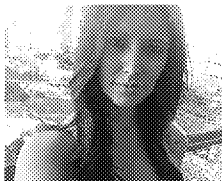
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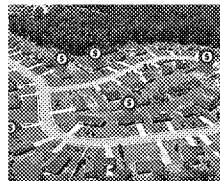
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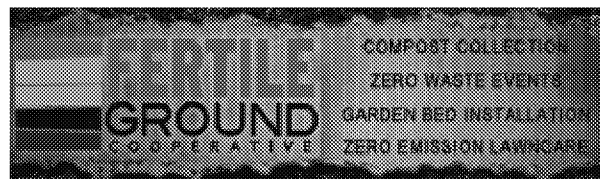
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A stormwater utility plan for a better Norman, officials say



Olivier Rey / Red Dirt Report

Lynne Miller speaking on the Storm Water Utility at the Tyner Cornbread and Beans on August 19.



NORMAN, Okla. – The last public presentation on the proposal of the stormwater utility (SWU) was held at the weekly Tyner Cornbread and Beans meeting on Aug. 19.

Lynne Miller, the mayor of Norman and Shawn O’Leary, the director of Public Works at the City of Norman discussed on the necessity to vote “yes” for the SWU proposal on Aug. 23.

“This is a very complicated issue and a very contentious issue,” Miller said, adding all the city is affected by stormwater issues.

Miller said the quick expansion of Norman has increased the surface of the impervious water and therefore has increased polluted water going into pipe systems, rivers, and Lake Thunderbird that cause more flooding and property damage.

The SWU proposition is the result of a three-year study organized by the City of Norman. Miller said the study showed the actual stormwater plan needed more funding.

“But we didn’t do it, and we delayed until the next year and again and again. And so here we are in 2016, we’re getting more and more flooding,” Miller said.

Miller added retention ponds are old and need to be fixed to prevent any further problems, such as a rupture.

Then, she said it doesn’t matter if run-off polluted Lake Thunderbird or the Canadian River because what is important is the origin of the pollution, which in both cases comes from Norman run-off.

“Right now the government said we keep polluting anybody’s water,” Miller said.

Furthermore, O’Leary said at the contrary, a lot of people could think the water run-off is not treated such as the sanitary water.

“The cleaned water going out of the wastewater treatment plan in the south of Norman is often better than the stormwater,” O’Leary said. “There is not a practical way to collect and clean stormwater.”



Shawn O'Leary speaking on the Storm Water Utility at the Tyner Cornbread and Beans on Aug. 19.
(Olivier Rey / Red Dirt Report)

O'Leary said 20 cities in Oklahoma adopted an SWU and hundreds are in the process of developing such plans adding, "We are way behind the curve."

Then, O'Leary noted the SWU will be added to the water bill paper beside other utilities insisting, "It is a utility, not a tax."

He also confirmed the \$10,000 fine if Norman doesn't comply with EPA's regulations by the reduction of 35 percent of several pollutants contained in water run-off in the next five years.

"We are not going to let this happen, it is why we need another source of funding," O'Leary said.

The SWU rate is \$1.25 for 1,000 square feet of hard surface area per month plus \$1 a month management fee (SWU web calculator). He added 85 percent of SWU adopted in the country use the same system of calculation.

A participant complained the water run-off from his house, roof and driveway is going directly into his yard and not into water pipes. O'Leary replied the system of calculation is not so complex and consider only hard

surfaces such as rooftops, driveways, pavements and parking lots. However, sidewalks and public streets are not taken into account.

Further, O'Leary said the SWU will not resolve the flooding issue on McGee Road ("Lake McGee") because the cost to fix it is up to \$15 million, in comparison the SWU will have a budget of \$7.325 million a year.

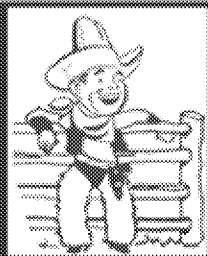
O'Leary also said the maps are not perfect, but the city will have to update its maps like every city did after implement their SWU.

Miller added people who use green technology to reduce run-off such as permeable concrete will get a credit on their SWU.

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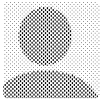
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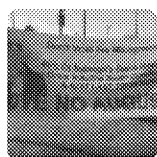
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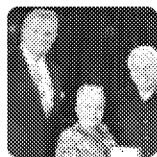
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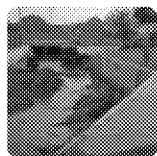
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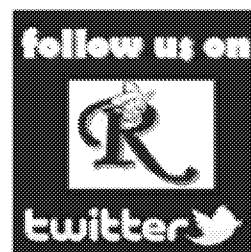
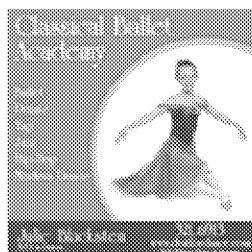
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